

APPENDIX B

LEGISLATION PERTINENT TO THE WATER RESOURCES
PROGRAM OF THE CORPS OF ENGINEERS

B-1. 11 March 1779, Corps of Engineers. Resolved, "That the engineers in the service of the United States shall be formed into a corps and styled the 'Corps of Engineers,' ...That a commandant of the Corps of Engineers shall be appointed by Congress," However, the Corps was mustered out of service in 1783 and was not permanently organized until 1802.

B-2. 7 August 1789, Lighthouse Act of 1789. The ninth statute enacted by the First Congress, this act initiated Federal navigational improvements. It authorized the Secretary of the Treasury to maintain existing lighthouses, beacons, buoys, and piers to aid navigation in the nation's bays, inlets, ports, and harbors, provided that the states would cede the structures to the new federal government. He was also authorized to build a new lighthouse near the entrance to Chesapeake Bay (1 Stat. 53-54).

B-3. 16 March 1802, An Act Fixing the Military Establishment of the United States. Authorizes the President "when he shall deem it expedient, to organize and establish a corps of engineers" and establishes that the Corps "shall be stationed at West Point in the state of New York, and shall constitute a military academy." The Corps traces its continuous existence to this act.

B-4. 30 April 1824, An Act to Procure the Necessary Surveys, Plans, and Estimates, upon the subject of roads and canals (General Survey Act). Authorizes the President to "employ two or more skilfull (*sic*) engineers, and such officers of the corps of engineers, or who may be detailed to do duty with that corps" to survey "routes of such roads and canals as he may deem of national importance in a commercial or military point of view, or necessary for the transportation of the public mail." (4 Stat. 22-23) Although this act did not authorize surveys of inland rivers, the Corps generally traces its permanent involvement in civil works to this legislation.

B-5. 24 May 1824, Navigation. The first appropriation by Congress for work in inland navigable waters was \$75,000 for improving navigation over sand bars in the Ohio River and for removing snags from the Ohio and Mississippi Rivers (4 Stat. 32).

B-6. 20 May 1826, River and Harbor Act of 1826. This was the first act that authorized both surveys and construction for numerous water projects throughout the country. In consolidating in one act both planning and construction, it became the first true river and harbor law.

B-7. 3 March 1841, U.S. Lake Survey. Appropriated \$15,000 for a "hydrographic survey of the coasts of the northern and northwestern lakes of the United States" thus initiating the U.S. Lake Survey supervised by the Corps. This survey lasted until 1970, when most of its responsibilities were transferred to the newly established National Oceanic and Atmospheric Administration of the Department of Commerce.

B-8. 11 September 1841, Joint Resolution. Land Titles. A joint resolution, which had the force of law, prohibited the expenditure of

public funds on lands purchased for "public buildings of any kind whatever" until the Attorney General certified the validity of Federal title and the relevant state legislature consented to its purchase. This resolution would ultimately be applied to the sites of structures designed to improve navigation (5 Stat. 468).

B-9. 30 September 1850, Mississippi River Survey. Appropriated \$50,000 for a "topographical and hydrographical survey of the Delta of the Mississippi". The Corps' eventual product was the Report Upon the Physics and Hydraulics of the Mississippi River, a massive study by Captain Andrew A. Humphreys and Lieutenant Henry L. Abbot of the Corps of Topographical Engineers, which in its insistence upon "levees only" substantially influenced the Corps' approach to flood problems on the lower Mississippi and other alluvial rivers.

B-10. 31 August 1852, Lighthouse Act of 1852. Created a nine-member Lighthouse Board, headed by the Secretary of the Treasury, to oversee the construction, operation, and repair of Federal lighthouses, light-vessels, beacons, and buoys. Three seats on this board were to be held by Army engineers (10 Stat. 119-20).

B-11. 3 March 1875, River and Harbor Act of 1875. Work by Contract. Section 1 directed that Secretary of the Army apply funds as far as may be advantageous by contract, after public advertisement, with the lowest responsible bidders.

B-12. 14 August 1876, River and Harbor Act. Protection of Navigational Improvements. Section 3 first imposed Federal criminal sanctions for wilfully injuring any federal navigational improvement (19 Stat. 139).

B-13. 28 June 1879, Mississippi River Commission. Federal flood control activity took definite form by the establishment of the Mississippi River Commission with jurisdiction over navigation work and flood control related thereto on the lower Mississippi River (21 Stat. 37, U.S.C. 641-647).

B-14. 14 June 1880, River and Harbor Act of 1880. Authorized a dam at Lake Winnibigoshish on the headwaters of the Mississippi River for navigation purposes. This was the first reservoir built by the Corps of Engineers.

B-15. 24 April 1888, Land Acquisition and Condemnation Proceedings for River and Harbor Improvements. Authorized the Secretary of the Army to initiate condemnation proceedings for or to purchase at a mutually agreed price any lands, rights-of-way, or material needed to maintain, operate, or prosecute authorized works for the improvement of rivers and harbors and to accept donations of lands or materials required for the maintenance or prosecution of such works (24 Stat. 94, 33 U.S.C. 591)

B-16. 11 August 1888, River and Harbor Act. Fishway Construction. Section 11 authorized construction of fishways whenever Federal river and harbor improvements obstruct passage of fish (26 Stat. 426, 33 U.S.C. 608).

B-17. 19 September 1890, River and Harbor Act of 1890. Mississippi River Levees. Congress replaced language in earlier river and harbor appropriation acts allowing the Mississippi River Commission to build or repair levees only for navigation purposes and not to prevent flood damages (22 Stat. 208, 23 Stat. 146, 24 Stat. 329, and 25 Stat. 421)

with more relaxed authority to spend the appropriated funds "for the general improvement of the river, for the building of levees, [and] for surveys. . . in such proportion as in their opinion shall best promote the interests of commerce and navigation" (26 Stat. 450). This initiated Corps activities to provide general flood relief along the Mississippi River. The first comprehensive anti-obstruction law. Discharge of Wastes. Section 6 first prohibited the discharge into navigable waters of wastes "which shall tend to impede or obstruct navigation," except under permit from the Secretary of the Army. Building of Structures. Section 7 prohibited the building of structures in navigable waters outside harbor lines or the building of bridge piers and abutments anywhere in those waters without permission of the Secretary of the Army, except for bridges previously authorized. Removal of Wrecks. Section 8 authorizes the Secretary of the Army to remove wrecks that obstruct navigation if they remain obstructions for longer than two months. Defacing River and Harbor Improvements. Section 9 prohibits private persons from defacing river and harbor improvements or taking possession of such improvements. Unauthorized Obstructions. Section 10 provided criminal sanctions for creating or permitting the continuance of any unauthorized obstruction to navigation (26 Stat. 453-55). Authorization of Harbor Lines. Section 12 authorizes the Secretary of the Army to establish harbor-lines where he thinks it necessary.

B-18. 21 February 1891, Commercial Statistics. Required owners, agents, masters and clerks of vessels arriving or departing from locations on waterway improvements to furnish statistics on vessels, passengers, freight and tonnage (26 Stat. 766, 46 U.S.C. 48). (See Section 11, Public Law 362, 67th Congress)

B-19. 13 July 1892, River and Harbor Act. Dredging Restrictions. Section 5 prohibited the expenditure of money appropriated for the improvement of rivers and harbors, for dredging inside of duly established harbor lines (27 Stat. 111, 38 U.S.C. 628).

B-20. 1 March 1893, Debris Commission. The California Debris Commission was established with certain jurisdiction over hydraulic mining of the territory drained by the Sacramento and San Joaquin River Systems. The Commission was abolished 17 November 1988, by Section 1106, Public Law 99-662.

B-21. 7 August 1894, River and Harbor Act of 1894. Authorization to Regulate New York Harbor. Sections 2 and 3 authorized the supervisor of New York Harbor to regulate fishing, dumping, and the transportation of waste materials within the harbor and to arrest violators. Rules and Regulations. Section 4 provided that "it shall be the duty of the Secretary of the Army to prescribe such rules and regulations for the use, administration, and navigation of any or all canals and similar works of navigation that now are, or that hereafter may be, owned operated or maintained by the United States as in his judgment the public necessity may require." This section amended section 7 of the 1884 River and Harbor Act and was itself amended by sections 6 and 11 of the 1902 River and Harbor Act. Disposal of Wastes in Harbors. Section 6 prohibits the placing, discharging, or depositing of any waste into the waters of any harbor or river except for the waste flowing from streets and sewers and "passing therefrom in a liquid state." Notably, the prohibition was not confined to navigable waters but extended to all harbors and

rivers of the United States. The section also prohibited the defacing of bulkheads, jetties, dikes, levees, wharfs, pier, or other works built by the United States and provided criminal penalties.

B-22. 3 March 1899, River and Harbor Act. Permits. Section 9 requires approval of the Chief of Engineers, the Secretary of the Army and the consent of Congress for the construction of bridges, dams, dike, etc., across any navigable water of the U.S. Structures built under state authority in a single state require approval of the Chief of Engineers and the Secretary of the Army (33 U.S.C. 401). Section 10 prohibited placing obstructions to navigation outside established Federal lines and excavating from or depositing material in such waters, unless a permit for the works has been authorized by the Secretary of the Army (30 Stat. 1151, 33 U.S.C. 403). Harbor Lines. Section 11 authorized the Secretary of the Army to establish harbor lines beyond which no piers, wharves, etc., shall be extended without a permit (30 Stat. 1151, 33 U.S.C. 404). Refuse. Section 13 prohibited depositing refuse, except that flowing from streets and sewers in a liquid state, into any navigable water (30 Stat. 1152, 33 U.S.C. 407). Obstructions. Section 15 prohibited obstructions by anchoring vessels and outlines the duties of an owner of a sunken vessel (30 Stat. 1152, 33 U.S.C. 409). Sunken Vessels. Section 19 authorized removal of sunken vessels or other obstructions to navigation, if not removed by owner. (33 U.S.C. 414). Vessel Grounding. Section 20 authorized removal or destruction of sunken or grounded vessels in emergencies endangering navigation. (33 U.S.C. 415).

B-23. 13 June 1902, Public Law 154, 57th Congress--River and Harbor Act. BERH. Section 3 authorized the establishment of the Board of Engineers for Rivers and Harbors with a primary function of reviewing all reports upon examinations and surveys authorized by Congress. (32 Stat. 372, 33 U.S.C. 541).

B-24. 17 June 1902, Public Law 161, 57th Congress--Reclamation. The Reclamation Act of 1902 established irrigation in the West as a National policy. The Act authorized the Secretary of the Interior to locate, construct, operate and maintain works for the storage, diversion, and development of waters for the reclamation of arid and semi-arid lands in the Western States (32 Stat. 388, 43 U.S.C. 1457).

B-25. 3 March 1905, Public Law 215, 58th Congress--River and Harbor Act. Refuse Regulations. Section 4 authorized the Secretary of the Army to prescribe regulations to govern the transportation and depositing of refuse in navigable waters (33 Stat. 1147, 33 U.S.C. 419). Section 6 provides for funding of activities associated with implementation of the above.

B-26. 8 June 1906, Antiquities Act. Provides for criminal penalties for anyone desecrating, injuring, excavating, or otherwise destroying any historic or prehistoric ruin or monument without express Federal permission. Authorizes the President to declare by public proclamation historic and prehistoric landmarks as national monuments. Permits Federal agencies to transfer objects of antiquity to properly qualified institutions. (16 U.S.C. 431 -433)

- B-27. 3 March 1909 Public Law 317, 60th Congress--River and Harbor Act. Lock and Dam Replacement - Free Passage. Section 6 provided for replacement of obsolete locks and dams on authorized waterways. (35 Stat. 818, 33 U.S.C. 5).
Hydropower Development. Sections 11 and 12 directed the Secretary of the Army to acquire, either by condemnation or purchase, land owned and developed by power companies at the Falls of Marys River in Michigan and to revoke their water-power franchises, and they authorized him to lease water-power rights there for "a just and reasonable compensation" as he was building a new lock and dam at the site (35 Stat. 820-22). These provisions led to an important Supreme Court affirmation of Federal multipurpose water development rights and opened the way to many more multipurpose projects.
Contents of Survey Reports. Section 13 directed that reports contain such data as may be practicable to secure regarding the establishment of terminal and transfer facilities, development and utilization of water power for industrial and commercial purposes, and other subjects properly connected with the project (35 Stat. 822).
- B-28. 17 June 1910, Public Law 217, 61st Congress -- Lighthouse Act of 1910. The Lighthouse Board was replaced by a wholly civilian Bureau of Lighthouses in the Departments of Commerce and Labor (36 Stat. 537-38).
- B-29. 25 June 1910, Public Law 264, 61st Congress--River and Harbor Act. Stream Flow Measurements. Section 3 directed that surveys of navigable streams include such streamflow measurements and other investigations of the watersheds as necessary for preparation of plans of improvements (36 Stat. 669, 33 U.S.C. 546).
- B-30. 27 February 1911, Public Law 425, 61st Congress--River and Harbor Act. Uniform Freight Classification. Section 1 directed the Corps to adopt a uniform system or freight classification in the collection of statistics related to traffic and to collate ton-mileage statistics upon rivers or inland waterways. Section 1 of 25 July 1912 Act also calls for such a uniform system. (37 Stat. 201, 33 U.S.C. 405).
- B-31. 1 March 1911, Public Law 435, 61st Congress--Conservation of Watersheds. Section 1 enables the states to enter into compacts or agreements with other states or the United States for the purpose of conserving the forests, water supplies and navigability of rivers (36 Stat. 961, 16 U.S.C. 552).
- B-32. 25 July 1912, Public Law 241, 62d Congress--River and Harbor Act. BERH Functions. Section 3 authorized the BERH to examine and review previous reports on request by Committee Resolutions (37 Stat. 232).
Future Power. Section 12 authorized the Secretary of the Army on recommendation of Chief of Engineers to provide in any authorized dam for navigation such foundations, sluices, and other works as may be considered desirable for future water power development (37 Stat. 233, 33 U.S.C. 609).
- B-33. 4 March 1913, Public Law 429, 62d Congress--River and Harbor Act. Contents of Survey Reports. Section 3 required that additional information be included in reports on terminal and transfer facilities, water power development, and other subjects that could be properly connected with a project (37 Stat. 825, 33 U.S.C. 545).
- B-34. 4 March 1915, Public Law 291, 64th Congress--River and Harbor Act. Contributed Funds. Section 4 authorized the Secretary of the

Army to receive contributions from private parties for expenditure with Federal funds on authorized river and harbor improvements (38 Stat. 1053, 33 U.S.C. 560).

Bends. Section 5 provides that channel dimensions include increases at entrances, bends, sidings, and turning places for free movement of vessels.

Anchorage. Section 7 authorized the Secretary of the Army to establish anchorage grounds for vessels in all harbors, rivers, bays and other navigable waters (38 Stat. 1053, 33 U.S.C. 471). NOTE: This function was transferred to Secretary of Transportation by the Department of Transportation Act of 15 Oct 1966, Public Law 89-670.

B-35. 1 March 1917, Public Law 367, 64th Congress--Flood Control Act. Flood Control. Federal construction of flood control improvements was extended outside the Mississippi Valley for the first time. Section 2 authorized a project for the Sacramento River, California (39 Stat. 949, 33 U.S.C. 703).

Contents of Survey for Flood Control. Section 3 provided that all provisions of existing law on reports and projects for rivers and harbors should apply, insofar as applicable, to flood control and prescribed that all surveys for flood control should include a comprehensive study of the watershed, including water power, the effect of the improvement on navigation, and "such other uses as maybe properly related to or coordinated with the project." This legislation is generally considered the first Federal flood control law.

BERH Opinion. Requires BERH, in considering flood control projects, to state its opinion as to Federal interest, share of expense to be borne by the Federal Government, and advisability of adopting projects. (39 Stat. 950, 33 U.S.C. 701).

B-36. 8 August 1917, Public Law 37, 65th Congress--River and Harbor Act of 1917. Condemnation Proceedings. Section 9 authorized the Secretary of the Army to institute condemnation proceedings in the name of the United States for the acquisition of any land or easement whenever any state, any reclamation, flood control or drainage district, or other public agency created by the state is unable to obtain such land or easement for projects authorized by Congress (40 Stat. 267, 33 U.S.C. 593).

B-37. 18 July 1918, Public Law 200, 65th Congress--River and Harbor Act of 1918. Condemnation. Section 5 granted the Secretary of the Army the right to take immediate possession of lands on which he has instituted condemnation proceedings in the name of the United States for the acquisition of dry lands, easements, or rights-of-way needed for authorized river and harbor improvements.
Compensation Determination. Section 6 stated that when only part of a parcel of land is taken for navigational improvements, "any special and direct benefits" which those improvements will cause the remainder of the parcel must be taken into account in determining compensation (40 Stat. 911, 33 U.S.C. 594-95).

B-38. 2 March 1919, Public Law 323, 65th Congress--River and Harbor Appropriation Act. Public Terminal. Section 1 stated the policy of Congress that "...at least one public terminal should exist, constructed, owned, and regulated by the municipality, or other public agency of the state and open to the use of all on equal terms,..." (40 Stat. 1286, 33 U.S.C. 551).

Contract Price. Section 8 provided that contract price should not exceed by 25 percent the estimated cost of doing work by government

plant. (Amended by Public Law 95-269)

B-39. 28 February 1920, Public Law 152, 66th Congress--Transportation Act. Section 500 stated the policy of Congress to promote water transportation. Duties of the Secretary of the Army with the object of promoting water transportation, were outlined. Among the Secretary's duties was "to compile, publish, and distribute, from time to time, such useful statistics, data and information concerning transportation on inland waterways as he may deem to be of value to the commercial interests of the country." This initiated the Corps' Port Series. (41 Stat. 499, 49 U.S.C. 142).

B-40. 5 June 1920, Public Law 152, 66th Congress--Merchant Marine Act of 1920. Section 8 provides that the United States Shipping Board shall cooperate with the Secretary of War in promoting, encouraging, and developing ports and transportation facilities.

B-41. 5 June 1920, Public Law 263, 66th Congress--River and Harbor Appropriation Act. Contents of Survey Reports. Section 2 provided that reports "shall contain a statement of special or local benefit which will accrue to localities affected by such improvement and a statement of general or National benefits, with recommendations as to what local cooperation should be required, if any, on account of such special or local benefit" (41 Stat. 1010, 33 U.S.C. 547).

B-42. 10 June 1920, Public Law 280, 66th Congress--The Federal Water Power Act. Control non-Federal development of hydroelectric power through a licensing system to be administered by the newly created Federal Power Commission (FPC). Public Law 95-91 created the Federal Energy Regulatory Commission to replace functions administered by the FPC. (41 Stat. 1063, 16 U.S.C. 797e).

B-43. 22 September 1922, Public Law 362, 67th Congress. Adoption of Projects Time Limit. Section 9 directs that no projects will be considered for adoption, except with a view to a survey, if five years elapsed since the report on the proposed project was submitted to Congress.

Waterborne Commerce Statistics. Section 11 provides for the principal program governing the collection and compilation of statistics on the water borne commerce of the U.S.

Extension of Jurisdiction of Mississippi River Commission. Section 13 extends jurisdiction of Mississippi River Commission for the purposes of levee and bank protection, to the tributaries and outlets of the Mississippi River between Cairo, Ill. and the Head of the Passes. (42 Stat. 1043, 33 U.S.C. 555).

B-44. 7 June 1924, the Oil Pollution Control Act, 1924. Prohibited the discharge of oil into navigable waters except for certain emergencies, authorized the Secretary of War to prescribe regulations, and authorized Army Engineer officers and officers of the Customs and Coast Guard Service to arrest violators.

B-45. 3 March 1925, Public Law 585, 68th Congress--River and Harbor Act. Contributed Funds. Section 11 authorizes acceptance of funds advanced by local interests for prosecution of rivers and harbors work.

B-46. 21 January 1927, Public Law 560, 70th Congress--River and Harbor Act. 308 Reports. Section 1 authorized surveys in accordance with H. Doc. 308, 69th Congress. (Usually referred to as "308

Reports") on comprehensive development for navigation, waterpower, and flood control. This provided Congress basis for some emergency relief projects of the 1930's and the basic plan of TVA. (45 Stat. 534).

B-47. 15 May 1928, Public Law 391, 70th Congress--The Flood Control Act of 1928. Comprehensive MR&T. Section 1 authorized the comprehensive plan for control of the Mississippi River and tributaries. (45 Stat. 534, 33 U.S.C. 702a).

B-48. 3 July 1930, Public Law 520, 71st Congress--River and Harbor Act. Beach Erosion Board Established. Section 2 established the Beach Erosion Board (BEB). This Act of Congress provided for the Federal Government to make shore and beach protection studies in cooperation with local interests. The BEB was directed to furnish technical assistance and review reports of the investigations (46 Stat. 945, 33 U.S.C. 426). NOTE: The Act of 7 November 1963 abolished BEB, transferred review functions to BERH, and established the Coastal Engineering Research Center.

B-49. 10 February 1932, Public Law 16, 72d Congress--Recreational Boating. "The Fletcher Act" broadened the scope of Federal interest in navigation to include as "commerce" the use of waterways by "seasonal passenger craft, yachts, houseboats, fishing boats, motorboats, and other similar water craft, whether or not operated for hire". (47 Stat. 42, 33 U.S.C. 541)

B-50. 16 June 1933, National Industrial Recovery Act. Under the provisions of this legislation, President Franklin D. Roosevelt authorized the construction of several Corps locks and dams, including Fort Peck and Bonneville.

B-51. 23 April 1934, Payment for Levee Rights-of-Way in the Lower Mississippi Valley (Overton-Dear Act). This Act resolved the bitter controversy which had arisen from conflicting interpretations of the 1928 Flood Control Act. The government abandoned its efforts to compel owners of property along the tributaries of the lower Mississippi River to donate levee rights-of-way at no cost to the Government.

B-52. 30 August 1935, Public Law 409, 74th Congress--River and Harbor Act. Content of Survey Reports. Section 5 required that studies of the improvement of the entrance of the mouth of any river or of any inlet contain information concerning the possible accretion/erosion effects of the improvements on the shoreline for at least 10 miles on either side (49 Stat. 1048, 33 U.S.C. 546a).

B-53. 22 June 1936, Public Law 738, 74th Congress--Flood Control Act. Federal Interest. Section 1 declared flood control to be a proper Federal activity; that improvements for flood control purposes are in the interest of the general welfare; that the Federal Government should improve or participate in the improvement of navigable waters or their tributaries for flood control "if the benefits to whomsoever they may accrue are in excess of the estimated costs, and if the lives and social security of people are otherwise adversely affected" (49 Stat. 1570, 33 U.S.C. 701a). Jurisdiction. Section 2 set forth the jurisdiction of Federal activities and prescribed among other things, "That, hereafter, Federal investigations and improvements of rivers and other waterways for flood control and allied purposes shall be under the jurisdiction of and shall be prosecuted by the Army Department under direction of

the Secretary of the Army and supervision of the Chief of Engineers" (49 Stat. 1570, 33 U.S.C. 701b).

Local Cooperation. Section 3 stipulated for the projects authorized therein what have become known as the "a-b-c" requirements of local cooperation; that local interests should: (a) provide without cost to the United States all lands, easements, and rights-of-way necessary for the construction of the project; (b) hold and save the United States free from damages due to the construction works; (c) maintain and operate all the works after completion in accordance with regulations prescribed by the Secretary of the Army (49 Stat. 1571, 33 U.S.C. 701c). Requirement (b) was amended by Section 9 of the Water Resources Development Act (WRDA) of 1974 (Public Law 93-251).

B-54. 26 June 1936, An Act For the Improvement and Protection of the Beaches Along the Shores of the United States. Federal Assistance. Section 1 provided for Federal assistance in the construction, but not maintenance, of shore improvement and protection projects to prevent coastal erosion in areas where "Federal interests" were involved. Investigations. Section 2 authorized the Beach Erosion Board to make investigations to determine "the most suitable means of beach protection and restoration of beaches in different localities" and to advise states, political subdivisions, and individuals of appropriate places for recreational facilities, and to publish its findings. Beach Erosion Board Opinion. Section 3 directed the Beach Erosion Board, when making reports on potential shore protection projects, to state its opinion on the advisability of the project, the Federal interest in the project, and the share of the expense that should be borne by the United States.

B-55. 19 July 1937, Public Law 208, 75th Congress--Contributed Funds. Authorized the Secretary of the Army to receive and expend funds contributed by states and political subdivisions in connection with funds appropriated by the United States for flood control projects when considered advantageous to the public interest (50 Stat. 518, 33 U.S.C. 701h).

B-56. 28 August 1937, Public Law 406, 75th Congress--Flood Control Act. Clearing and Snagging. Section 2 authorized small clearing and snagging projects for flood control, limited in Federal cost per project (50 Stat. 877, 33 U.S.C. 701g). Subsequently amended 24 July 1946 by Section 13, Public Law 526, 79th Congress; 24 September 1954 by Section 208, Public Law 780, 83d Congress (these projects are customarily referred to as "Section 208 Projects"); 7 March 1974 by Section 26, Public Law 93-251, and 17 November 1986 by Section 915(b), Public Law 99-662. The latter amended the Federal limit per project to \$500,000.

B-57. 20 June 1938, Public Law 685, 75th Congress--River and Harbor Act of 1938. Land Exchange. Section 2 authorized the Secretary of the Army upon the recommendation of the Chief of Engineers, to exchange land or other property of the Government for private lands or property which may be advisable in the execution of authorized work of river and harbor improvement. Easements. Section 10 authorized the Secretary of the Army to grant easements for rights-of-way for public roads across Federal lands. (52 Stat. 804, 33 U.S.C. 558b).

B-58. 28 June 1938, Public Law 761, 75th Congress--Flood Control Act of 1938. Modified a-b-c's. Section 2 modified the Flood Control Act of 22 June 1936 eliminating the a-b-c requirements for flood control reservoirs, channel improvement or channel rectification projects.

Lands, easements and rights-of-way include highway, railway and utility relocation. Amended by Act of 18 August 1941 (52 Stat. 1215, 33 U.S.C. 701 c-1).

Flood Area Evacuation. Section 3 provided for modification of authorized projects to provide for evacuation of all or parts of flood areas where such action would substantially reduce protection costs of authorized flood walls or levees (52 Stat. 1216, 33 U.S.C. 701i).

Future Power. Section 4 authorized installation of facilities for future power use when approved by the Secretary of the Army on recommendation of the Chief of Engineers and the Federal Power Commission (52 Stat. 1216, 33 U.S.C. 701j).

B-59. 4 August 1939, Public Law 260, 76th Congress--Reclamation Project Act of 1939. Section 9(b) permitted the Bureau of Reclamation to allocate part of reclamation project costs to flood control and navigation. In connection with the making of such an allocation, the Secretary of Interior shall consult with Chief of Engineers and Secretary of the Army and may perform necessary investigations or studies under a cooperative agreement with the Secretary of the Army (53 Stat. 1193, 43 U.S.C. 485h).

B-60. 1 February 1940, Public Law 409, 76th Congress. Federal Jurisdiction. Repealed the provision of the Joint Resolution of 11 September 1841 requiring state consent to the purchase of land for Federal buildings prior to the expenditure of public funds at the site. The Federal Government would henceforth have the option of obtaining civil and criminal jurisdiction at each site. This law eliminated the legal ability of state governments to veto Federal navigational or flood control projects.

B-61. 21 June 1940, Public Law 647, 77th Congress--Bridge Alterations. The Bridge Alteration Act (Truman-Hobbs Act) provided for apportionment, between the U.S. and the owners, of the cost of altering or relocating railroad and combined railroad and highway bridges, when found unreasonably obstructive to navigation. (Amended 16 July 1952 to be applicable to public highway bridges also). The owner must bear the part of the cost attributable to direct and special benefits accruing to the owner and the U.S. pays the balance including that attributable to the necessities of navigation (54 Stat. 497, 33 U.S.C. 516). Corps responsibility for administration of the Act were transferred to Department of Transportation 15 Oct 1966. Section 6 remains the basis for sharing cost of bridge changes in navigation survey reports.

B-62. 18 August 1941, Public Law 228, 77th Congress--Flood Control Act of 1941. Local Cooperation. Section 2 modified the 1936 and the 1938 Flood Control Acts (FCA) and required the a-b-c requirements only for channel and local protection projects and not for flood control reservoirs. This section also provided that authorization for any flood control project shall expire unless cooperation is furnished within 5 years after notification. This provision has been included in subsequent Flood Control Acts (55 Stat. 638, U.S.C. 701-c). Emergency Flood Control Work. Section 5 authorized \$1 million per year to be used for rescue work or repair, restoration or maintenance of damaged or threatened flood control works. (Section 5 was subsequently amended by Section 12 of the 1946 FCA; Section 206 of the 1948 FCA; Section 210 of the 1950 FCA; Public law 84-99; Section 206 of the 1962 FCA; Section 917 of WRDA 1986; Section 9 of the Farm Disaster Assistance Act of 1987; Section 302 of WRDA 1990; and Section 202 of WRDA 1996.)

Sharing Leasing Monies. Section 7 provided that 25 percent of money from leasing of reservoir lands be paid to the state for schools and roads. Later amended to 75 percent by Public Law 780, 83d Congress. (33 U.S.C. 701c-3)

B-63. 22 December 1944, Public Law 534, 78th Congress--Flood Control Act of 1944. Rights of States. Section 1 declared policy of Congress to recognize rights and interests of the states in water resource development, and requirement for consultation and coordination with affected states (58 Stat. 887, 33 U.S.C. 701-1).

Coordination with Department of Interior. Section 1 calls for coordination with the Department of the Interior in cases involving water rising west of the 97th meridian.

Major Drainage. Section 2 defined major drainage as flood control. This provides legislative basis for consideration of major drainage improvements in flood control investigations and reports (58 Stat. 889, 33 U.S.C. 701a-1).

Recreation. Section 4 authorized providing facilities in reservoir areas for public use, including recreation and conservation of fish and wildlife (58 Stat. 889, 16 U.S.C. 460-b).

Power Disposition. Section 5 provided for disposal by the Secretary of the Interior of surplus electric power from Corps projects (58 Stat. 890, 16 U.S.C. 825-s).

Water Supply. Section 6 authorized disposal by the Secretary of the Army, for domestic and industrial uses, of surplus water available at reservoirs. (33 U.S.C. 708)

Regulations for Use of Storage. Section 7 specified that the Secretary of the Army shall prescribe regulations for the use of storage allocated for flood control or navigation to all reservoirs constructed wholly or in part with Federal funds, except those of the TVA (58 Stat. 890, 33 U.S.C. 709).

Irrigation. Section 8 provided that Corps reservoirs may include irrigation purpose in 17 western states.

B-64. 2 March 1945, Public Law 14, 79th Congress--River and Harbor Act of 1945. Clearing and Snagging. Section 3 authorized small clearing and snagging projects for navigation or flood control. Annual expenditure for Nation limited to \$300,000 (59 Stat. 23, 33 U.S.C. 603a). This limit was raised to \$1 million per year, 17 November 1986, by Section 915(g), Public Law 99-662.

B-65. 31 July 1945, Public Law 166, 79th Congress--Shore Protection Studies. This Act established authority for the Beach Erosion Board to pursue a program of general investigation and research and to publish technical papers (59 Stat. 508, 33 U.S.C. 426a). (BEB abolished and functions transferred to the BERH by Section 1 and Section 3, respectively, of Public Law 88-172).

B-66. 24 July 1946, Public Law 526, 79th Congress--Flood Control Act of 1946. Submission of reports. Section 2 states that no project or modification not authorized, of a project for flood control or rivers and harbors shall be authorized by the Congress unless a report for such project has been previously submitted by the Chief of Engineers. R.R. Bridge Alterations. Section 3 authorized the Chief of Engineers to include at Federal expense necessary alterations to railroad bridges on authorized flood-protection projects (60 Stat. 642, 33 U.S.C. 701p).

Leases. Section 4 amended Public Law 534, 78th Congress, to include authority to grant leases to non-profit organizations at recreation facilities in reservoir areas at reduced or nominal charges (60 Stat.

642, 16 U.S.C. 460d).

Repair of Facilities Damaged by Operation of Corps Dam. Section 9 authorized repair of highway, railroad, or utility damaged by the operation of a dam or reservoir (60 Stat. 643, 33 U.S.C. 701q).

Emergency Flood Control Work. Section 12 amends Section 5 of the 1941 FCA to increase the authorized annual funding level from \$1 million to \$2 million.

Emergency Bank Protection. Section 14 authorized emergency bank protection works to prevent flood damage to highways, bridge approaches and public works. Annual expenditures were limited to \$1,000,000 with not more than \$50,000 at any single locality (60 Stat. 654, 33 U.S.C. 701r). NOTE: Amended by Public Law 93-251 which granted authority to protect churches, hospitals, schools, and other non-profit public services. Expenditure limits were raised to \$ 15 million a year for the program and \$ 1,000,000 per locality, 12 October 1996, by Section 219, Public Law 104-303.

B-67. 13 August 1946, Public Law 727, 79th Congress. Shore Protection Cost Sharing. Authorized Federal participation up to one-third of the cost, but not the maintenance, of protecting shores of publicly-owned property (Amended by Acts dated 28 July 1956, 23 October 1962, 31 December 1970 and WRDAs of 1986 and 1996) (60 Stat. 1056, 33 U.S.C. 426e).

B-68. 14 August 1946, Public Law 732, 79th Congress--Fish and Wildlife Coordination Act. Provides for coordination with Fish and Wildlife Service. This Act amended Act of 10 March 1934 and was amended, in turn, by The Act of 12 August 1958.

B-69. 30 June 1948, Public Law 845, 80th Congress--Water Pollution Control Act. Authorized the Surgeon General to assist in and encourage studies and plans, interstate compacts, and creation of uniform state laws to control pollution (62 Stat. 1155, 33 U.S.C. 1151).

Pollution Control Board. The Federal Water Pollution Control Advisory Board was established. Provisions were made for low interest loans, grants to states for pollution studies, and grants in drafting construction plans.

B-70. 30 June 1948, Public Law 858, 80th Congress--Flood Control Act of 1948. Small Flood Control Projects. Section 205 authorized the construction of small flood control projects not been specifically authorized by Congress. A Federal expenditure limit was placed on each project as well as the total program funds allotted per fiscal year. The latest amendment is Section 915(a), Public Law 99-662, which sets the Federal limit per project at \$5 million and the total annual program limit at \$40 million. (62 Stat. 1182, 33 U.S.C. 701s). Emergency Flood Control Work. Section 206 expanded Section 5 of the 1941 FCA, as amended, to authorize the Chief of engineers to raise , extend, or modify such flood control works.

B-71. 17 May 1950, Public Law 516, Title I--River and Harbor Act of 1950. Consultants. Section 105 authorized the Chief of Engineers to procure temporary or intermittent services of experts or consultants or organizations in connection with civil functions of the Corps of Engineers without regard to the Classification Act (64 Stat. 168, 33 U.S.C. 569a).

Transfer of Bridges. Section 109 authorized the Secretary of the Army to transfer or convey to state authorities or political subdivisions all rights, title and interest of the United States in and to all

bridges constructed or acquired in connection with the improvement of canals, rivers, harbors or flood control works etc., if determined to be in the best interest of the United States (64 Stat. 169, 33 U.S.C. 534).

Title II--Flood Control Act of 1950. Section 210 amended Section 5 of the 1941 FCA, as amended, to increase the annual authorized funding level from \$2 million to \$15 million, and to authorize the Secretary of the Army to allot funds from other flood control appropriations for immediate works until appropriations are made.

B-72. 17 July 1952, Public Law 579, 82d Congress--Water Pollution Control Act Extension. Extended the provisions of the Water Pollution Control Act (Public Law 845, 80th Congress) for an added three years through fiscal years 1954-1956 (66 Stat. 755, 33 U.S.C. 1159, 1160).

B-73. 7 August 1953, Public Law 212, 83rd Congress--Outer Continental Shelf Lands Act. Section 4(f) extended the authority of the Secretary of the Army to prevent obstructions to navigation in the navigable waters of the United States by including artificial islands and fixed structures located on the outer continental shelf (67 Stat. 463; 43 U.S.C. 1333(f)).

B-74. 4 August 1954, Public Law 566, 83rd Congress--Watershed Protection and Flood Prevention Act. Authorized the Secretary of Agriculture to cooperate with states and other public agencies in works for flood prevention and soil conservation. Established the Small Watershed Program of the Soil Conservation Service, Department of Agriculture.

B-75. 3 September 1954, Public Law 780, 83rd Congress--Flood Control Act of 1954.

B-76. 15 June 1955, Public Law 71, 84th Congress--Hurricane Studies. Authorized studies of the coastal and tidal areas of the eastern and southern U.S. with reference to areas where damages had occurred from hurricanes (69 Stat. 132).

B-77. 28 June 1955, Public Law 99, 84th Congress--Emergency Flood Control Work. Amends Section 5 of the 1941 FCA, as amended, to authorize flood emergency preparation and delete the requirement for maintenance of subject flood control works.

B-78. 28 July 1956, Public Law 826, 84th Congress--Beach Nourishment. Section 1(c) defines periodic beach nourishment as "construction" for the protection of shores, when it is the most suitable and economical remedial measure. Section 1(d) provided for Federal assistance to privately owned shores if there is benefit from public use or from protection of nearby public property (70 Stat. 702, 33 U.S.C. 426e).

B-79. 2 July 1958, Public Law 85-480--Publications. Authorized the Chief of Engineers to publish and sell information pamphlets, maps, brochures and other material on river and harbor, flood control and other civil works activities (72 Stat. 279, 33 U.S.C. 557a-b).

B-80. 3 July 1958 Public Law 85-500,--River and Harbor and Flood Control Act of 1958. Relocation of Governmental Structures. Section 111 authorizes the Chief of Engineers to protect, alter, reconstruct, relocate, or replace any governmental structure or facility to meet a navigation or flood control purpose; or preserve the facility when it is determined that the safety or usefulness will be adversely affected

or threatened by the project. (72 Stat. 303) NOTE: Amended by Section 309, Public Law 89-298.

Hurricane Projects. Section 203 added provisions of local cooperation on three hurricane flood protection projects which established an administrative precedent for cost sharing in hurricane projects. Non-Federal interests were required to assume 30 percent of total first costs, including the value of land, easements and rights of way, and operate and maintain the project. (72 Stat. 297). NOTE: Section 103 of Public Law 99-662 now prescribes hurricane and storm damage reduction project cost sharing.

Water Supply. Section 301 (Water Supply Act of 1958) provided that storage may be included for present and future municipal or industrial water supply in Corps or Bureau of Reclamation projects; the costs plus interest to be repaid by non-Federal entities within the life of the project but not to exceed 50 years after first use for water supply. No more than 30 percent of total project costs may be allocated to future demands. An interest-free period, until supply is first used, but not to exceed ten years, was permitted. (72 Stat. 319, 43 U.S.C. 390b). NOTE: These provisions were modified by Public Law 99-662.

Aquatic Plant Control Program. Section 104 authorized a comprehensive project for control and progressive eradication of water-hyacinth, alligator weed, and other obnoxious aquatic plant growths in eight southern states. (72 Stat. 297, 300).

B-81. 12 August 1958, Public Law 85-624--Fish and Wildlife Coordination Act. Provided that fish and wildlife conservation receive equal consideration and coordination with other project purposes. (72 Stat. 563, 16 U.S.C. 661).

B-82. 28 August 1958, Public Law 85-767. Authorized Federal agencies to design and construct dams in such a manner to support a public highway bridge, including construction of the bridge itself. (72 Stat. 917; 23 U.S.C. 320).

B-83. 27 June 1960, Public Law 86-523--Reservoir Salvage Act. Provides for the preservation of historical and archeological data, by the Secretary of the Interior, which might otherwise be lost as the result of the construction of a dam (74 Stat. 220). Act further amended by Public Law 93-291.

B-84. 14 July 1960, Public Law 86-645--River and Harbor and Flood Control Act of 1960. Small Navigation Projects. Section 107 established a special continuing authority authorizing construction of small navigation projects. Latest amendment is Section 915(d) of Public Law 99-662, which sets the annual program limit at \$35 million and the limit on Federal expenditures per project at \$4 million. (74 Stat. 486, 33 U.S.C. 577).

Development of Public Port or Industrial Facilities. Section 108 authorizes disposition of property for the purpose of developing or encouraging the development of such facilities (74 Stat. 486; 33 U.S.C. 578).

Flood Plain Information. Section 206 (as subsequently amended by Section 206 of Public Law 89-789) authorized flood plain information studies (74 Stat. 500, 33 U.S.C. 709a).

Road Relocations. Section 207 authorizes the Chief of Engineers to either improve, reconstruct, or maintain existing public roads used for the construction of a project (74 Stat. 501). NOTE: Criteria for design of replacement roads established in Section 13, Public Law 93-251.

Land Acquisition. Title III known as the "Land Acquisition Policy Act

of 1960" established the policy of Congress that owners and tenants whose property is acquired for a project "shall be paid a just and reasonable consideration therefor" (74 Stat. 502, 33 U.S.C. 596).

B-85. 6 September 1960, Public Law 86-717--Forest Conservation. Provided for the protection of forest cover for reservoir areas under the jurisdiction of the Secretary of the Army and the Chief of Engineers (74 Stat. 817, 16 U.S.C. 580m).

B-86. 20 July 1961, Public Law 87-88--Federal Water Pollution Control Act Amendments of 1961. Amended the Federal Water Control Act (70 Stat. 498) to provide for a more effective program of water pollution control, and for other purposes (75 Stat. 204, 33 U.S.C. 1151). Water Quality Storage. Section 2 amended existing law to include consideration of storage in Federal projects for water quality control, except that such storage shall not be a substitute for adequate treatment or control at the source (75 Stat. 204, 33 U.S.C. 1153). NOTE: Amended and restated by Sec 102(b), Public Law 92-500.

B-87. 14 September 1961, Public Law 87-236. Authorizes the Secretary of the Army to modify certain leases entered into prior to 1 November 1965 for the provision of recreational facilities in reservoir areas (75 Stat. 509; 16 U.S.C. 460d-1).

B-88. 5 September 1962, Public Law 87-639. Joint Investigations. Section 1 authorizes the Secretary of the Army and the Secretary of Agriculture to make joint investigations and surveys of watershed areas and prepare joint reports on those investigations and surveys when authorized by the Public Works Committee of the Senate or House of Representatives.

B-89. 23 October 1962, Public Law 87-874--River and Harbor and Flood Control Act of 1962. Shore Protection. Section 103 amended the Act approved 13 August 1946, as amended by the Act approved 28 July 1956 and indicated the extent of Federal participation in the cost of beach erosion and shore protection (50 percent of the construction cost when the beach are publicly owned or used, and 70 percent Federal participation for seashore parks and conservation areas when certain conditions of ownership and use of the beaches are met--these provisions are modified by the provisions of Public Law 99-662. Also see Section 227 of WRDA 1996). Small Beach Erosion Projects. Authority for the Secretary of the Army to undertake construction of small beach and shore protection projects was also established under Section 103. (Latest amendment, setting the limit of Federal expenditures per project at \$2 million, is Section 915(e) of Pubic Law 99-662.) (76 Stat. 1178, 33 U.S.C. 426g). Aquatic Plant Control. Section 104 changed cost-sharing so that all research and planning costs prior to construction are borne by U.S. Survey Studies of U.S. Coastal Areas. Section 110 allows survey studies to be made in the interest of beach erosion control, hurricane protection, and related purposes, provided such studies are authorized by appropriate resolutions of either the Committee on Public Works of the U.S. Senate or the Committee on Public Works of the House of Representatives. Emergency Flood Control Works. Section 206 amends Section 5 of the 1941 FCA, as amended, to authorize the Chief of Engineers to undertake measures to protect, repair or restore federally authorized hurricane or shore protection projects threatened, damaged or destroyed by wind, wave or water action of other than ordinary nature.

Recreation, Non-Reservoir Projects. Section 207 amended Section 4 of the 1944 Flood Control Act and permitted recreational developments at on-reservoir projects (76 Stat. 1195, 16 U.S.C. 460d).

Road Improvement and Replacement. Section 208 amends Section 207(b) of the Flood Control Act of 1960 to allow improvement of existing public roads for construction access to Federal projects and to allow construction of relocated roads to present day standards rather than replacement in kind (76 Stat. 1196, 33 U.S.C. 701r-1). (Amended by Section 13, Public Law 93-251)

B-90. 16 October 1963, Public Law 88-140--Extension of Right to Water Supply Storage. Extended non-Federal right to use reservoir water supply storage to the physical life of the project. This removed an uncertainty as to the continued availability of the storage space after the 50-year maximum period previously allowed in contracts (77 Stat. 249, 43 U.S.C. 390-c-e).

B-91. 7 November 1963, Public Law 88-172. CERC Established. Section 1 abolished the Beach Erosion Board and established the Coastal Engineering Research Center (77 Stat. 304, 33 U.S.C. 426-1nt). BEB Functions Transferred. Section 3 transferred the review functions of the Beach Erosion Board to BERH (77 Stat. 305, 33 U.S.C. 4263).

B-92. 3 September 1964, Public Law 88-578--Land and Water Conservation Fund Act of 1964. Established a fund from which Congress can make appropriations for outdoor recreation. The fund derives revenue from entrance and user fees, sale of surplus Federal property, and the Federal motorboat fuel tax. Entrance and user fees at reservoirs were made possible by Section 2 (a) which deleted the words "without charge" from Section 4 of the 1944 Flood Control Act as amended (78 Stat. 897, 16 U.S.C. 4601-4). NOTE: Section amended and restated by Section 101(1), Public Law 94-422.

B-93. 9 July 1965, Public Law 89-72--Federal Water Project Recreation Act-Uniform Policies. Required consideration of opportunities for outdoor recreation and fish and wildlife enhancement in planning water resources projects. Recreational use of the project will be coordinated with other existing and planned Federal, state, or local recreational developments. Non-Federal bodies will be encouraged to operate and maintain the project recreational and fish and wildlife enhancement facilities. If non-Federal bodies agree in writing to administer the facilities at their expense and to pay one-half the separable first cost, the recreation and fish and wildlife benefits shall be included in the project benefits and project cost allocated to recreation and fish and wildlife. Fees may be charged by the non-Federal interests to repay their costs. If non-Federal bodies do not so agree, no facilities for recreation and fish and wildlife may be provided except those justified to serve other purposes or as needed for public health and safety. However, project land may be acquired to preserve the recreational potential. If within 10 years after initial project operation there is no local agreement, the land may be used for other purposes or sold (79 Stat. 213, 16 U.S.C. 460-1-12). (Amended by Section 77 Public Law 93-251)

B-94. 22 July 1965, Public Law 89-80 (Amended by Public Law 94-112)--Water Resources Planning Act. Water Resources Council Established. Established a Water Resources Council. The Act establishes river basin commissions and provides for financial assistance to the states (79 Stat. 244, 42 U.S.C. 1962).

B-95. 27 October 1965, Public Law 89-298--River and Harbor and Flood Control Act. Administrative Authority. Section 201 permits the Secretary of the Army to administratively authorize water resources development projects where the estimated Federal cost is less than \$10 million. Approval by Public Works Committees is required prior to appropriation of funds (79 Stat. 1073, 42 U.S.C. 1962d-5). NOTE: Monetary limit increased to \$15 million by Section 131, Public Law 94-587.

Work for Other Agencies. Section 219 authorizes accepting orders from other Federal agencies for work or services.

Aquatic Plant Control. Section 302 extended the program nationwide (79 Stat. 1093, 33 U.S.C. 610).

Relocation of Government Facilities. Section 309 amends Section 111 of the R&H Act of 1958 to define further the Federal policy on relocation of structures "or" facilities owned by an agency of government and used in a governmental function (79 Stat. 1094, 33 U.S.C. 633).

B-96. 4 July 1966, Public Law 89-487--Freedom of Information Act. Provided guidelines for public availability of records of Federal agencies. Public Law 90-23, approved 5 June 1967, codified the provisions of Public Law 89-487 (80 Stat. 250 and 81 Stat. 54, 5 U.S.C. 552). Amended by Public Law 93-502.

B-97. 15 October 1966, Public Law 89-670--The Department of Transportation Act. DOT Established. Established the Department of Transportation (80 Stat. 931, 49 U.S.C. 165 Int).

Navigation Benefits Defined. Section 7(a) stated that standards and criteria for economic evaluation of water resource projects shall be developed by the Water Resources Council, defined "primary direct navigation benefits," and expands the Council to include the Secretary of Transportation on matters pertaining to navigation features of water resource projects.

Transferred Corps Activities. Corps activities transferred to Department of Transportation included:

- a. Regulation of the location of vessels at anchor.
- b. Prescribing drawbridge operating regulations.
- c. Determining and ordering the alteration of obstructive bridges (Truman-Hobbs).
- d. Review and determination of the reasonableness of tolls charged for crossing bridges.
- e. Administration of laws relating to prevention of pollution of the high seas by oil (Oil Pollution Act, 1961).
- f. Control of the location and clearances of bridges and causeways in the navigable waters (80 Stat. 941, 49 U.S.C. 1656).

B-98. 15 October 1966, Public Law 89-665--National Historic Preservation Act of 1966. Directs the Federal Government to provide leadership in preserving, restoring and maintaining the historic and cultural environment of the Nation. Authorizes the Secretary of the Interior to expand and maintain a national register of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology and culture, referred to as the National Register. Also establishes the Advisory Council on Historic Preservation composed of 29 members, one of which is the Secretary of Defense. (80 Stat. 915, 16 U.S.C. 470 et seq.)

B-99. 1 August 1968, Public Law 90-448--Flood Insurance. Title XIII authorized a flood insurance program and provided means for necessary

coordination between agencies and states as required for studies pertaining to land management, zoning or other appropriate arrangements to carry out such authority (82 Stat. 572, 42 U.S.C. 4001).

B-100. 3 August 1968, Public Law 90-454--Estuary Protection Act. Section 4 requires all Federal agencies, in planning for the use or development of water and related land resources, to give consideration to estuaries and their natural resources (82 Stat. 625, 16 U.S.C. 1221 et seq.).

B-101. 13 August 1968, Public Law 90-483--River and Harbor and Flood Control Act of 1968. Mitigation of Shore Damages. Section 111 authorized investigation and construction of projects to prevent or mitigate shore damages resulting from Federal navigation works, at full Federal cost limited to \$1 million per project. Amended 17 November 1986 by Sections 915(f) and 940, Public Law 99-662 which, among other things, increased the limit on Federal costs per project to \$2 million. (82 Stat. 735, 33 U.S.C. 426i). Excess Depths Maintenance. Section 117 authorized use of Civil Works funds for maintenance of excess depths required and constructed for defense purposes where the project also serves essential needs of general commerce (82 Stat. 737, 33 U.S.C. 562a). User Charges. Section 210 restricted (after 31 March 1970) collection of entrance fees at Corps lakes and reservoirs to users of highly developed facilities requiring continuous presence of personnel (82 Stat. 746, 16 U.S.C. 4600d-3). Reimbursement for Non-Federal Expenditures. Section 215 authorized reimbursement (including credit against local cooperation requirements) for work performed by non-Federal public bodies after authorization of water resource development projects. Execution of a prior agreement with the Corps was required and reimbursement was not to exceed \$1 million for any single project. Amended 17 November 1986 by Section 913, Public Law 99-662, 17 November 1988 by Section 12, Public Law 100-676, and 12 October 1996 by Section 224, Public Law 104-303 to increase the limit on reimbursements per project to \$5 million. (82 Stat. 747, 42 U.S.C. 1962d-5a).

B-102. 2 October 1968, Public Law 90-542--Wild and Scenic Rivers Act. Selection of Wild Rivers. Section 3 listed eight rivers as the initial components of the National Wild and Scenic Rivers System (82 Stat. 907, 16 U.S.C. 1274). Potential Rivers. Section 5 listed 27 rivers as potential additions to the system. Section 5 (d) required that plans for water resource development consider setting aside certain streams as wild, scenic, or recreational rivers as an alternative to other uses (82 Stat. 910, 16 U.S.C. 1276).

B-103. 2 October 1968, Public Law 90-543--National Trails System Act. Provided for a National system of trails and designates the Appalachian and Pacific Crest Trails as the initial components of the system (82 Stat. 919, 16 U.S.C. 1241).

B-104. 16 October 1968, Public Law 90-577--Intergovernmental Cooperation Act of 1968. Provides for cooperation and coordination of activities among levels of government, improved administration of programs for technical services to states and local governments, intergovernmental coordination on policy and administration of development assistance programs within urban areas, and periodic Congressional review of such grants-in-aid programs (82 Stat. 1098; 42

U.S.C. 4201).

B-105. 24 December 1969, Public Law 91-152--National Flood Insurance Act Amended. Extended insurance to mud slides, and date for local assurances to 31 December 1971 (83 Stat. 397, 42 U.S.C. 4121).

B-106. 1 January 1970, Public Law 91-190--National Environmental Policy Act of 1969. Federal Policy. Section 101 established a broad Federal policy on environmental quality (83 Stat. 852, 42 U.S.C. 4331).

Agency Requirements. Section 102 directed that policies, regulations, and public laws, will be interpreted and administered to the fullest extent possible in accordance with the policies of the Act, and imposes general and specific requirements on all Federal agencies (83 Stat. 853, 42 U.S.C. 4332).

Five-Point Statement. Section 102(2)(C) required a five-point Environmental Impact Statement (EIS) on proposed Federal actions affecting the environment (83 Stat. 853, 42 U.S.C. 4332). NOTE: Section 102(2)(D), added by Public Law 94-83, August 9, 1975, describes statement requirements for any major Federal action funded under a program of grants to states.

CEQ Established. Section 202 established the Council on Environmental Quality (83 Stat. 854, 42 U.S.C. 4341). The duties and functions of the Council are outlined under Section 203, as amended by Public Law 94-52, July 3, 1975 (83 Stat. 855, 42 U.S.C. 4343).

B-107. 3 April 1970, Public Law 91-224--Water Quality Improvement Act of 1970 and Environmental Quality Improvement Act of 1970. CEQ Staff. The Office of Environmental Quality, which provides staff for the Council on Environmental Quality (see Public Law 91-190), was established by Title II of this Act (84 Stat. 114, 42 U.S.C. 4371).

B-108. 31 December 1970, Public Law 91-604, Clean Air Act Amendments. Amended the Clean Air Act of 1963 (PL 88-206).

Control of Pollution from Federal Facilities. Section 118 specifies that any Federal facility, or activity which may result in the discharge of air pollutants, shall comply with Federal, state, interstate, and local requirements respecting control and abatement of air pollution.

Policy Review. Section 309 calls for the Administrator, Environmental Protection Agency to review and comment upon the environmental impact of (1) legislation proposed by any Federal agency (2) newly authorized Federal projects for construction and any major agency action (84 Stat. 1709, 42 U.S.C. 1857h-7).

B-109. 31 December 1970, Public Law 91-611--River and Harbor and Flood Control Act of 1970.

Navigation Project Maintenance. Section 103 provided for Federal operation and maintenance of the general navigation features of small-boat harbor projects authorized during calendar year 1970 (84 Stat. 1819, 33 U.S.C. 426-2nt). Amended by Section 6, Public Law 93-251.

Land Acquisition Compensation Defined. Section 111 approved compensation for real property acquired above normal high water mark of navigable waters in connection with any Federal waterway improvement at the "fair market value" of the land, including the highest and best use dependent upon access to navigable waters (84 Stat. 1821, 33 U.S.C. 595a).

Small Projects. Section 112 increased the limit on Federal costs for small navigation and small beach erosion projects from \$500,000 to \$1,000,000. The annual authorization limit was also raised in each

case to \$25,000,000 (84 Stat. 1821). NOTE: limits have subsequently been raised further (most recently by Section 915, Public Law 99-662). Project Cost Sharing for Charter Fishing Craft. Section 119 provided that charter fishing craft shall be considered as commercial vessels for the purpose of determining cost sharing in small-boat navigation projects (84 Stat. 1822, 33 U.S.C. 577a).

Economic, Social, Environmental Effects. Section 122 provided for submission and promulgation of guidelines, not later than 1 July 1972, for considering possible adverse economic, social, and environmental effects of proposed projects.

Disposal Area Criteria. Section 123 authorized construction, operation, and maintenance of contained spoil disposal areas for the Great Lakes area, subject to specific conditions of coordination with other agencies, local cooperation and applicability with water quality standards (84 Stat. 1823, 33 U.S.C. 1165a).

Hurricane Protection Cost Sharing. Section 208 authorized discretionary modifications in Federal participation in cost sharing for hurricane protection projects (84 Stat. 1829, 33 U.S.C. 426e). Section 103 of WRDA 1986, Public Law 99-662, now specifies this cost sharing.

Planning "Objectives". Section 209 expressed the intent of Congress that the objectives of enhancing regional economic development, the quality of the total environment, including its protection and improvement, the well-being of the people, and the national economic development are the objectives to be included in Federally financed water resource projects (84 Stat. 1829, 42 U.S.C. 1962-2).

Completed Project Review. Section 216 authorized review and report to Congress of the operation of completed projects when found advisable due to significantly changed physical or economic conditions.

Written Agreement. Section 221 provides that the construction of any water resources project by the Corps shall not be commenced until each non-Federal interest has entered into a written agreement to furnish its required cooperation for the project (84 Stat. 1831, 42 U.S.C. 1962d-5b). Amended 17 November 1988 by Section 912, Public Law 99-662.

Citation Authority. Section 234 provides that persons designated by the Chief of Engineers shall have authority to issue a citation for violations of regulations and rules of the Secretary of the Army, published in the Code of Federal Regulations.

B-110. 2 January 1971, Public Law 91-646--Uniform Relocations Assistance and Real Property Acquisition Policies Act of 1970.

Treatment of Displaced Persons. Section 201 established a uniform policy for the fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole (84 Stat. 1895, 42 U.S.C. 462). Displacement Payments. Section 202 outlined the moving and related expense payment for persons displaced by Federal programs and projects (84 Stat. 1895, 42 U.S.C. 4622). NOTE: Section 210 of the act made the same benefits available to persons displaced by programs and projects of state agencies with Federal financial assistance.

B-111. 23 December 1971, Public Law 92-222--River Basin Monetary Authorization Act of 1971. Section 4 clarifies that Section 221 of Public Law 91-611 does not apply to storage for future water supply.

B-112. 10 July 1972, Public Law 92-340--Ports and Waterways Act of 1972. Title I provides the Coast Guard with authority for establishment of vessel traffic control systems in congested or

hazardous ports and waterways (other than the Panama Canal) (86 Stat. 424, 33 U.S.C. 1221).

B-113. 11 July 1972, Public Law 92-347--Golden Eagle Passbook and Special Recreation User Fees. Each Federal agency developing, administering, or providing specialized sites, facilities, equipment, or services related to outdoor recreation shall provide for the collection of special recreation use fees for the use of sites, facilities, equipment, or services furnished at Federal expense (86 Stat. 459, 16 U.S.C. 460).

B-114. 8 August 1972, Public Law 92-367--National Dam Safety Act. Authorized a national program of inspection of "dams" for the purpose of protecting human life and property. Calls for an inventory of all dams located in the U.S. and recommendations for a comprehensive national program of dam inspection and regulation (86 Stat. 506, 33 U.S.C. 467).
Amended by Section 215 of WRDA 1996, Public law 104-303.

B-115. 13 October 1972, Public Law 92-487--Federal Loans to Public Agencies for Constructing Local Water Supply Works. The Act of July 4, 1955, as amended, relating to Federal loans for the construction of irrigation distribution systems, is further amended to include the delivery and distribution of municipal and industrial water as an authorized purpose of the program. Repayment of loans for municipal and industrial water shall include interest (86 Stat. 804, 43 U.S.C. 421c).

B-116. 18 October 1972, Public Law 92-500--The Federal Water Pollution Control Act Amendments of 1972. National Goal. Section 101 established a national goal of eliminating all pollutant discharges into U.S. waters by 1985 and an interim goal of making the waters safe for fish, shellfish, wildlife and people by July 1, 1983 (86 Stat. 816, 33 U.S.C. 1251).
Reservoir Storage for Streamflow Augmentation. Section 102(b) provides that in the planning of any Corps reservoir consideration shall be given to inclusion of storage for regulation of streamflow. Such storage is not to be provided as a substitute for adequate treatment or other methods of controlling waste at the source. The need for, value of, and the impact of storage for the purpose of water quality control are determined by the Administrator of the EPA. The need for and value of storage for regulation of streamflow for other purposes are to be determined by the Corps. The costs of storage are to be non-reimbursable if the benefits are widespread or National in scope.
National Oil and Hazardous Substances Pollution Contingency Plan. Section 311 authorizes the President to prepare and publish a National Contingency Plan for the removal of oil and hazardous substances and establishes a revolving fund that is used to pay the costs for cleaning up oil and hazardous substances discharged into navigable waters.
The Refuse Act Permit Program. Sections 402 and 403 establish a permit program in EPA which is to regulate (or prohibit) the discharge of pollutants into the waters of the United States, to include the territorial sea and which is to be in accordance with the EPA-established effluent limitations previously mentioned. Section 402 replaces the Corps Refuse Act Permit Program under the Act of 1899 without repealing the Act. All permits issued under the Corps program are considered permits under the new EPA program.
Permits for Dredged or Fill Material. Section 404 authorizes a separate permit program for the disposal of dredged or fill material

in the Nation's waters, to be administered by the Secretary of the Army, acting through the Chief of Engineers. Under the program, permits are to be issued, after notice and opportunity for public hearings, for disposal of such material at specified sites. These sites are to be selected in compliance with guidelines developed by EPA in conjunction with the Secretary of the Army. EPA is authorized to forbid or restrict the use of specified areas whenever it determines that disposal of material at a specific site would have an unacceptable adverse effect on municipal water supplies, shellfish, and fishery areas, or recreational activities.

Authority to Maintain Navigation. Section 511(a) provides that nothing in the Act is to be considered as affecting or impairing the authority of the Secretary of the Army to maintain navigation (86 Stat. 816, 33 U.S.C. 1371). NOTE: See Public Law 95-217, October 27, 1977, for amendments.

B-117. 21 October 1972, Public Law 92-516--Federal Environmental Pesticide Control Act. This law revises the Federal Insecticide, Fungicide, and Rodenticide Act. It provides for more complete regulation of pesticides to include regulation, restrictions on use, actions within a single state, and strengthened enforcement (86 Stat. 973, 7 U.S.C. 136).

B-118. 23 October 1972, Public Law 92-532--Marine Protection, Research and Sanctuaries Act of 1972. Bans the unregulated dumping of materials into the oceans, estuaries and Great Lakes, (86 Stat. 1052, 33 U.S.C. 1401).

Policy Statements. Section 2 states that unregulated ocean dumping is injurious to man and the environment and must be strictly controlled. Prohibited Acts. Section 101 exercises regulatory control, over any materials which are transported from the United States which would be dumped in any ocean waters; over any materials which would be dumped in the territorial sea or the contiguous zone of the United States; and over any materials transported from any location outside the United States which would be dumped in ocean waters by any instrumentality of the United States Government. NOTE: Amended and restated by Act of March 22, 1974 (Public Law 93-254).

Environmental Protection Agency Permits. Section 102 provides that the Administrator of the EPA may issue permits for the dumping of material (not to include dredged material) if he determines that such dumping would not unreasonably degrade or endanger human health, welfare or amenities, or the marine environment, ecological systems, or economic potentialities. The Administrator is permitted to establish and issue various categories of permits including general permits (see Section 104), and to designate dump and no-dump sites or times after consultation with the Secretary of the Army.

Corps of Engineers Permits. Section 103 provides the Secretary of the Army with permit authority over the transportation of dredged material for the purpose of dumping in ocean waters. The Secretary may issue such permits where he determines that such dumping will not unreasonably degrade or endanger human health, welfare or amenities, or the marine environment, ecological systems, or economic potentialities.

Permit Conditions. Section 104 requires that permits granted by either the Administrator or the Secretary of the Army shall designate the amount, type and location of the material to be dumped, and the length of time for the dumping, and, after consultation with the Coast Guard, provide for any special monitoring and surveillance provisions.

Marine Sanctuaries. Title III permits the Secretary of Commerce, after appropriate consultation with affected state and Federal agencies, and public hearings, to designate certain areas of ocean

waters lying as far seaward as the edge of the outer continental shelf and areas of the waters of the Great Lakes as marine sanctuaries which he determines necessary to preserve, restore, such areas for conservation, recreation, ecology or esthetics. He is permitted, after consultation with other interested Federal agencies, to issue regulations controlling activities within these sanctuaries. No permit for activities within such sanctuaries shall be deemed valid unless the Secretary of Commerce shall certify that the permitted activity is consistent with the purpose of Title III and carried out in accordance with the regulations promulgated by him.

B-119. 27 October 1972, Public Law 92-583--Coastal Zone Management Act of 1972. National Policy. Section 302 declares a National interest in the effective management of the coastal zone, that present planning and regulation of land and water uses is inadequate, and that primary responsibility rests with state and local governments with Federal assistance. (86 Stat. 1280, 16 U.S.C. 1451). Federal-State Coordination. Section 307 requires all Federal agencies with activities directly affecting the coastal zone, or with development projects within that zone, to assure that those activities or projects are consistent with the approved state program. Applicants for Federal licenses shall provide to the agency state certification that the proposed activity complies with the state's approved management program. No Federal license or permit shall be granted by the agency without the state's concurrence or unless the state has failed to act within six months (amended to three months by Public Law 95-372) after receiving the applicant's certification. NOTE: This section amended by Section 6, Act of July 26, 1976 and Section 504 of Act of September 18, 1978. Sections 302, 303, 304, 306, 308, 312, 315, 316, and 318 amended by Public Law 96-464.

B-120. 1 August 1973, Public Law 93-81--Collection of Fees for Use of Certain Federal Outdoor Recreation Facilities. Amends Section 4 of the Land and Water Conservation Fund Act of 1965 (P.L. 88-578). Requires each Federal agency to collect special recreation fees for the use of sites, facilities, equipment or services furnished at Federal expense. NOTE: Amended and restated by Section 1 of Public Law 93-303. (87 Stat. 178).

B-121. 28 December 1973, Public Law 93-205--Conservation, Protection, and Propagation of Endangered Species. Repeals the Endangered Species Conservation Act of 1969. Directs all Federal Departments/Agencies to carry out programs to conserve endangered and threatened species, in consultation with the Secretary of the Interior (or Commerce in appropriate situations), and to preserve the habitat of such species. (87 Stat. 884) NOTE: Section 7 of the Endangered Species Act Amendments of 1978 (Public Law 95-632) authorizes procedures by which a Federal agency, state governor, or license applicant may apply for an exemption to the Act.

B-122. 31 December 1973, Public Law 93-234--Flood Disaster Protection Act of 1973. This law increases limits of coverage authorized under the national flood insurance program; provides for accelerated identification of flood risk zones; requires states or local communities, as a condition of future Federal financial assistance, to participate in the flood insurance program; requires the purchase of flood insurance by property owners who are being Federally assisted in the acquisition/improvement of land in flood hazard areas; extends the flood insurance program to cover losses from the erosion and undermining of shorelines by waves or currents (87 Stat. 975).

B-123. 7 March 1974, Public Law 93-251--Water Resources Development Act of 1974. Project Authorization. Section 1 establishes two phase authorization procedure for major projects.

Maintenance. Section 6 states that the cost of operation and maintenance of the general navigation features of small boat harbor projects shall be borne by the United States.

Hold and Save. Section 9 provides that the requirement that non-Federal interests hold and save the United States free from damages shall not include damages due to the fault or negligence of the United States or its contractors.

Project Deauthorization. Section 12 establishes a procedure for deauthorization of projects that have not received any Congressional appropriations within 8 years. (Superceded by Section 1001, Public Law 99-662.)

Public Road Replacement. Section 13 establishes criteria for design of replacement roads.

Comprehensive Planning Cooperation. Section 22 provides authority for cooperating with any state in preparation of comprehensive plans for water resources development, utilization, and conservation. Amended by Section 221 of WRDA 1996, Public Law 104-303.

Snagging and Clearing Projects. Section 26 raises the project cost limitation to \$250,000 and annual program funding limit to \$5 million. These limits were raised to \$500,000 per project and \$7.5 million annually for the program, 17 November 1986, by Section 915(b), Public Law 99-662.

Emergency Bank Protection Projects. Section 27 raises the project cost limitation to \$250,000 and program fiscal funding limit to \$10 million per year. Project purpose was extended to cover construction, repair, restoration, and modification of emergency streambank and shoreline protection works. Eligibility definition was extended to include churches, hospitals, schools, and similar non-profit public services. Limitations were further raised to \$ 1,000,000 per project and \$ 15 million annually for the program, 12 October 1996, by Section 219, Public Law 104-303.

Streambank Erosion Control Evaluation and Demonstration Act of 1974. Section 32 established a national streambank erosion prevention and control demonstration program. Authorized conduct of the program for 5 fiscal years with total Federal appropriations not to exceed \$25 million. (NOTE: The demonstration program undertaken pursuant to this provision was completed with a report submitted to Congress in April 1982.)

Local Cash Contributions. Section 40 provides general authority to permit local interests to make cash contributions in annual payments as construction proceeds, rather than in a lump sum prior to initiation of construction.

Shoreline Erosion Control Demonstration Act of 1974. Section 54 authorized a program to develop, demonstrate, and disseminate information about low cost means to prevent and control shoreline erosion. Conduct of the program authorized for 5 fiscal years with total appropriations not to exceed \$8 million. Provides for establishment of a Shoreline Erosion Advisory Panel. (NOTE: the demonstration program undertaken pursuant to this provision was essentially completed with a comprehensive report submitted to Congress in June 1982.)

Technical and Engineering Assistance. Section 55 authorizes technical and engineering assistance to non-Federal public interests in developing structural and nonstructural methods of preventing damages attributable to shore and streambank erosion.

Small Flood Control Projects. Section 61 raised the Federal limit per

project from \$1 million to \$2 million only in areas that have been designated disaster areas within preceding 5 years. The program funding limit was increased to \$30 million annually. NOTE: Limits were subsequently revised upward by Section 133, Public Law 94-587, Section 2, Public Law 97-140. and Section 915(a), Public Law 99-662.

Flood Plain Management. Section 64 increases the Corps FPMS program appropriation authorization to \$15 million annually.

Water Quality Storage. Section 65 permits conversion of water quality storage in authorized reservoirs to another use when EPA determines such storage is unnecessary.

Non-structural Measures for Flood Protection. Section 73 requires that consideration be given to non-structural alternatives for flood damage prevention or reduction. Where such measures are recommended, the non-Federal participation was to be comparable to that for structural protection, but not exceed 20 percent of the project costs. Cost sharing requirements were subsequently modified by Section 103, Public Law 99-662, and Section 202 of WRDA 1996, Public Law 104-303.

Visitor Protection. Section 75 authorizes study of the need for a means of providing visitor protection services at Corps projects.

Fish and Wildlife Enhancement. Section 77 amends the Federal Water Project Recreation Act to increase the Federal share of costs for fish and wildlife enhancement to 75 percent. Cost sharing requirements were subsequently modified by Section 906, Public Law 99-662.

Interest and Discount Rates. Section 80 directs the interest rate for discounting future benefits and computing costs be based on Water Resources Council formula published 24 Dec 1968. It also calls for study and report by the President on principles and standards, discount rates, and cost sharing.

Emergency Water Supplies. Section 82 modified Section 5 of 1941 FCA, as amended, to authorize providing emergency supplies of clean drinking water when contaminated supplies are a threat to public health and welfare of locality. Contamination must result from flood.

Utilization of Regional or Municipal Sewage Treatment Plant. Section 107 authorizes Corps participation in construction cost of regional sewage treatment plants for treating sewage resulting from the operation of recreation and other facilities at Corps projects. (88 Stat. 12)

B-124. 22 March 1974, Public Law 93-254--Implementation of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters. Amends the "Ocean Dumping" Act to make it fully consonant with the treaty responsibilities of the U.S. under the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters, particularly as to the regulation of U.S. vessels carrying or dumping foreign source waste (88 Stat. 50).

B-125. 22 May 1974, Public Law 93-288, Disaster Relief Act Amendments of 1974. Broadens Federal responsibility for disaster assistance, assigns responsibilities to agencies, and establishes coordination among the Federal agencies. Establishes criteria for financial and other aid to needy communities and governmental entities and the forms of aid available. (Amended by Public Law 100-707).

B-126. 24 May 1974, Public Law 93-291--Preservation of Historical and Archeological Data. The Secretary of the Interior shall coordinate all Federal survey and recovery activities authorized under this expansion of the 1960 Act (Public Law 86-523). The Federal construction agency may expend up to 1 percent of project funds with such funds considered non-reimbursable project costs. (88 Stat. 174).

B-127. 7 June 1974 Public Law 93-303--Recreation Use Fees. Amends Section 4 of the Land and Water Conservation Fund Act of 1965 (Public Law 88-578), as amended, to establish less restricted criteria under which Federal agencies may charge fees for the use of campgrounds developed and operated at Federal areas under their control. (88 Stat. 192).

B-128. 22 August 1974, Public Law 93-383--Housing and Community Development Act of 1974. Title I establishes within HUD new community development program block grants and loans to replace several existing grant/loan programs. Section 816 amends the National Flood Insurance Act to provide that any community that has made adequate progress on the construction of a flood protection system meeting the 100-year protection standard, as determined by HUD, shall be eligible for flood insurance at subsidy premium rates if otherwise eligible under the Act. (88 Stat. 633).

B-129. 21 November 1974, Public Law 93-502--Freedom of Information Act Amendments. Provided, among other requirements that: the decision to release or not release records shall be made "within ten days" (as defined therein). (88 Stat. 1561) NOTE: See Public Law 94-409 to require that meetings of Government agencies shall be open to the public.

B-130. 3 January 1975, Public Law 93-627--Deepwater Port Act of 1974. Provides authority for Secretary of Transportation to issue a license for the ownership, construction and operation of a deepwater port.

B-131. 4 January 1975, Public Law 93-643--Federal Aid Highway Amendments of 1974. Authorizes Department of Transportation to construct/reconstruct access roads to reservoir created lakes and established that the road cost sharing would be 70 percent Federal 30 percent local. The law specifically was made applicable to providing access to Corps "lakes". Amended by Public Law 95-599 to change Federal share from 70 to 75 percent.

B-132. 24 March 1976, Public Law 94-241. Approves and sets forth the text of "Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America."

B-133. 5 May 1976, Public Law 94-280--Federal Aid Highway Act of 1976. Section 132 amends Chapter I of Title 23, U.S.C. 156, to authorize construction of a public highway or bridge across a Federal public works project where costs and requirements have changed substantially. A National Transportation Policy Study Commission is established by Section 154. (90 Stat. 425).

B-134. 26 July 1976, Public Law 94-370--Coastal Zone Management Act Amendments of 1976. Grants. Sections 4 and 5 expanded the requirements for and types of work accomplished under the management program development (Section 305) and administrative (Section 306) grants. Coastal Energy Impact Program. Section 7 directs the Secretary of Commerce to administer and coordinate a coastal energy impact program to assist coastal states in their planning and management of energy developments in their coastal waters. Interstate Coordination. Section 8 encourages the coastal states to coordinate with each other and to develop joint plans for the sake of uniformity. It also gives Congressional consent to agreements and compacts developed between two or more states.

National Shellfish Safety Program. Section 16 directs the Secretary of Commerce to undertake a comprehensive review of the molluscan shellfish industry and promulgation of regulations for the national shellfish safety program by the Secretary of Health, Education, and Welfare. (90 Stat. 1013-1033).

B-135. 20 October 1976, Public Law 94-565--Entitlement Lands. This act provides for payments to local governments by the Secretary of the Interior based on the amount of entitlement lands within the local boundaries. Entitlement lands include reservoir areas of water resource projects.

B-136. 22 October 1976, Public Law 94-587--Water Resources Development Act of 1976.

Phase I Studies. Section 101(c) authorizes, upon transmittal of the Chief's recommendation to the Secretary of the Army, the Chief of Engineers to begin the Phase I design memorandum on a project if the Chief finds and transmits to the appropriate Committees of the House and Senate that the project is without substantial controversy and justifies further investigation. (90 Stat. 2917-2948).

Law Enforcement. Section 120 authorizes the Corps to contract with states or their subdivisions to provide for increased law enforcement during periods of peak visitation.

Administrative Authority. Section 131 raises the limit on projects authorized under Section 201 of Flood Control Act of 1965 from \$10,000,000 to \$15,000,000.

Continuing Authorities. Section 133 raised the Federal monetary limit for construction of an individual navigation project authorized under Section 107 of the River and Harbor Act of 1960 from \$1,000,000 to \$2,000,000. For small flood control projects authorized under Section 205 of the Flood Control Act of 1948 it raised the basic limit for an individual project from \$1,000,000 to \$2,000,000 and for projects within a major disaster area it raised the limit from \$2,000,000 to \$3,000,000. Limits for Section 107 projects were subsequently raised by Section 915(d), Public Law 99-662, and for Section 205 projects by Section 2 of Public Law 97-140 and Section 915(a), Public Law 99-662.

Regional Benefits. Section 140 authorizes the inclusion of regional economic benefits in the economic analysis of any authorized interstate project which has been partially constructed or is to be constructed at the time of enactment (33 U.S.C. 547a).

Sand Fill. Section 145 authorized the placement of sand obtained from dredging operations on adjacent beaches if requested by the interested state government and in the public interest--with the increased costs paid by local interests. Amended by Section 933, Public Law 99-662, to allow for Federal funding of 50 percent of the increased costs.

Disposal Areas. Section 148 directs the Corps to utilize those management practices which will extend the life of dredged material disposal areas thus keeping the need for new sites to a minimum (33 U.S.C. 419a).

Wetlands. Section 150 authorizes the Corps to plan and establish new wetlands utilizing dredged material from any water resources development project.

Permits. Section 154 removes Section 10 permit requirement on wharves and piers in interstate bodies of water which are considered to be navigable based on historical data of interstate commerce.

Periodic Nourishment. Section 156 authorizes the Corps to extend Federal aid in periodic beach nourishment up to 15 years from date of initiation of construction. Amended by Section 934, Public Law 99-662, to allow for extension of up to 50 years.

Hydroelectric Power. Section 167 authorizes the Chief of Engineers to study efficient methods of using hydroelectric power resources at Corps' water resource development projects.

Comprehensive Planning Cooperation. Section 168: Increases the authorized funding in Section 22 of WRDA of 1974 from \$2,000,000 to \$4,000,000.

Drift Removal. Section 202 establishes the drift and debris removal program. The Corps may undertake a project costing less than \$400,000 without Congressional approval. Cost sharing is 2/3 Federal and 1/3 non-Federal. (90 Stat. 2917-2948).

Alaska Hydropower Fund. Section 203 establishes the Alaska Hydroelectric Power Fund (initial sum deposited \$25,000,000) for use by the Secretary of the Army to study and develop hydropower facilities in Alaska.

B-137. 20 June 1977, Public Law 95-51--Disaster Relief Act of 1974 Appropriations. Amends Section 5 of the 1941 FCA, as amended, to authorize the Secretary of the Army to construct wells and transport water in drought areas. (91 Stat. 233-234).

B-138. 3 August 1977, Public Law 95-87--Surface Mining Control and Reclamation Act of 1977. Provides for the cooperation between the Secretary of the Interior and the states with respect to the regulation of surface coal mining operations, and the acquisition and reclamation of abandoned mines.

Establishment of Standards. Section 515 provides for the Secretary of the Interior with concurrence of the Chief of Engineers to establish standards and criteria regarding new and existing coal mine waste piles when used as dams or embankments. (91 Stat. 445-532).

Other Federal Agency Assistance. Section 702 allows the Secretary to obtain assistance from other Federal agencies.

B-139. 12 October 1977, Public Law 95-128.

Title VII: Extends the time and fiscal constraints of the National Flood Insurance Program. In addition; procedures are established for the purchase and/or designation of flood prone properties. (91 Stat. 1111-1150).

B-140. 27 October 1977, Public Law 95-217--Clean Water Act of 1977. Amends Federal Water Pollution Control Act and extends the appropriations authorization.

Written Agreements. Section 51 requires EPA to enter into written agreements with Secretaries of Agriculture, Army, and Interior to provide maximum utilization of the laws and programs to maintain water quality.

Federal Compliance. Section 60 provides for Federal compliance with all Federal, state, interstate, and local requirements, administrative authority, and process and sanctions in the same manner and extent as other entities.

Processing of Permits. Section 67 provides for the processing of permits for dredged or fill material through the Secretary of the Army acting through the Chief of Engineers and defines requirements to be met in the construction of Federal projects. (91 Stat. 1566).

B-141. 22 October 1977, Public Law 95-220--Federal Program Information Act. Authorizes the preparation and publishing of the catalog of Federal Assistance Programs. (91 Stat. 1617).

B-142. 26 April 1978, Public Law 95-269. Amends Acts of 11 August

1888 and 2 March 1919. Provides conditions under which dredging work is performed by private interest and the Federal dredge fleet. Authorizes a technologically modern minimum Federal dredging fleet. (91 Stat. 218-219).

B-143. Public Law 95-341--American Indian Religious Freedom Act.

B-144. 18 September 1978, Public Law 95-372--Outer Continental Shelf Lands Act Amendments of 1978. Establishes policy for the management of oil and natural gas in the Outer Continental Shelf and to protect the marine and coastal environment, in part, by creating an oil spill liability fund. Section 504 amends Sec. 307 of the Coastal Zone Management Act. The revised section requires that a state provide to the Secretary of Commerce a status report if it has not concurred or objected to a proposed activity within 3 months after having received the applicants certification. (92 Stat. 629).

B-145. 19 October 1978, Public Law 95-474--Port and Tanker Safety Act of 1978. Vests responsibility for establishment of fairways in the Coast Guard.

B-146. 21 October 1978, Public Law 95-502--Internal Revenue Code of 1954, Amendment. Fuel Tax. Section 202 amends the Internal Revenue Code (new Sec. 4042 added) to impose a tax on fuel used by vessels in commercial waterway transportation. Deep-draft ocean-going vessels and passenger vessels, among others, are exempted. Inland Waterways Trust Fund. Section 203 establishes an Inland Waterways Trust Fund (IWTF) for revenue received from the tax on fuel. Availability of Funds in IWTF. Section 204 provides that amounts in the Trust Fund shall be available, as provided by appropriation Acts, for construction and rehabilitation for navigation on inland and intracoastal waterways. Study. Section 205 directs the Secretaries of the Departments of Transportation and Commerce to study inland waterway user taxes and charges in consultation with other agencies. Relevant Waterways. Section 206 lists inland and intracoastal waterways relevant to Section 4042 of the Internal Revenue Code and the Act. (92 Stat. 1693-1703). (Amended by Section 1405, Public Law 99-662.)

B-147. Public Law 95-563--Contracts Dispute Act of 1978.

B-148. 10 November 1978, Public Law 95-632--Endangered Species Act Amendments of 1978. Amends the 1973 Act (Public Law 93-205) to establish an Endangered Species Interagency Committee to review proposed actions to determine whether exemptions from certain requirements of the Act should be granted. Prescribes a consultation process between Federal agencies and the Secretary of the Interior, Secretary of Commerce, or Secretary of Agriculture, as appropriate, for carrying out programs for the conservation of endangered and threatened species. Directs agencies to conduct a biological assessment to identify endangered or threatened species which may be present. (92 Stat. 3752).

B-149. 31 October 1979, Public Law 96-95--Archaeological Resources Protection Act of 1979. Protects archoeological resources and sites which are on public lands and Indian lands, and fosters increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals. Establishes requirements for issuance of permits by the Federal land managers to excavate or remove any archaeological

resource located on public lands or Indian lands. (93 Stat. 721, 16 U.S.C. 470ac. et seq.)

B-150. 28 December 1979, Public Law 96-159--Endangered Species Act of 1973. Expanded the Act to protect endangered plants, require the Secretary of Interior--when proposing land as critical habitat--to publish a summary of the proposal and a map in the local newspapers and to require Federal agencies to insure their projects "are not likely" to jeopardize an endangered species. It also authorized all those seeking exemptions from the Act to get permanent exemptions for a project unless a biological study indicates the project would result in the extinction of a species. (93 Stat. 1225)

B-151. 11 December 1980, Public Law 96-511--Paperwork Reduction Act of 1980.

B-152. 8 August 1980, Public Law 96-324--High Seas and Inland Waters Demarcation Lines. Amends Section 2 of the Act of February 19, 1895 (28 Stat. 672) to direct the Coast Guard to establish appropriate identifiable demarcation lines dividing the high seas from harbors, river and other inland waters of the United States for navigation and other purposes. (94 Stat. 1020)

B-153. 29 September 1980, Public Law 96-366--Fish and Wildlife Conservation Act of 1980. Provides funds to states to conduct inventories and conservation plans for conservation of non-game wildlife. Also encourages Federal departments and agencies to use their statutory and administrative authority to conserve and promote conservation in accordance with this act. (94 Stat. 1322, 16 U.S.C. 2901 et seq.)

B-154. 17 October 1980, Public Law 96-464--Coastal Zone Management Improvement Act of 1980. Amends the Coastal Zone Management Act of 1972 (16 U.S.C. 1450 et. seq.) to incorporate numerous minor changes. A new Section, 106A, provides for preservation of specific areas of recreational or ecological values, and for there development of urban waterfronts and ports. (94 Stat. 2060)

B-155. 21 October 1980, Public Law 96-480--Stevenson-Wydler Technology Innovation Act of 1980.

B-156. 11 December 1980, Public Law 96-510--Comprehensive Environmental Response and Liability Act (CERCLA) of 1980.

B-157. 12 December 1980, Public Law 96-515--National Historic Preservation Act (Amendment of 1980). Amends the National Historic Preservation Act of 1966 and authorizes Secretary of Interior to expand and maintain a National Register of Historic Places. Within one year after the date of enactment the Secretary shall establish in consultation with the Secretary of Defense and other agencies, standards for the preservation of historic properties in Federal ownership or control. (94 Stat. 2987)

B-158. 24 December 1980, Public Law 96-597--Appropriations Act, U.S. Insular Areas. Section 605 made the provisions of Section 22, Public Law 93-251 (Assistance to States), applicable to Guam, American Samoa, the Virgin Islands, the Northern Marianas, and the Trust Territory of the Pacific Islands.

B-159. 29 December 1981, Public Law 97-140--Water Supply Storage in Benbrook Lake, etc. Small Flood Control Projects. Section 2 raises the limit for a project (at a single location) authorized under Section 205 of the Flood Control Act of 1948 from \$2,000,000 (or \$3,000,000 for projects in declared disaster areas) to \$4,000,000. The limit was raised further by Section 915(a), Public Law 99-662. Removal of Private-Use Facilities. Section 6 imposes a moratorium through 30 December 1989 on enforced removal of certain private-use facilities from any Corps reservoir or lake project. Subsequently, by Section 1134, Public Law 99-662, the moratorium was extended indefinitely.

B-160. 12 October 1982, Public Law 97-293--Reclamation Reform Act of 1982. Section 212 makes clear that the provisions of Federal reclamation law are not applicable to lands which receive benefits from water resources projects constructed by the Corps of Engineers, except in the limited circumstances specified in this section.

B-161. 13 October 1982, Public Law 97-304--Endangered Species Act Amendments of 1982. Further amends the 1973 Act (Public Law 93-205) to streamline the listing and delisting process for species and critical habitat designations. Directs the Secretary of the Interior to make determinations regarding species or critical habitats solely on the basis of the best scientific and commercial data available. Defines the period of consultation required between the Secretary of the Interior, another Federal agency and any permit or license applicant (including those for exemptions). Prescribes conditions for the permitted taking of endangered species and the establishment of experimental populations.

B-162. 18 October 1982, Public Law 97-348--Coastal Barrier Resources Act. Establishes policy that coastal barriers and their associated inlets, waterways, and wetlands resources are to be protected by restricting Federal expenditures which have the effect of encouraging development of coastal barriers. The Act provides for a Coastal Barrier Resources System (the extent of which is defined by a set of maps approved by Congress dated 30 September 1982) which identifies undeveloped coastal barriers within which Federal expenditures (including expenditures for flood insurance, roads, bridges, shoreline structures) may not be made. There are some specific exceptions to the expenditure prohibition, including navigation and research works. (16 USC 3501)

B-163. 30 July 1983, Public Law 98-63--Supplemental Appropriations Act of 1983. Aquatic Plant Control. Increased the limitation on annual expenditures by the Corps for the program to \$10 million. Volunteers. Authorizes the Corps to accept the services of volunteers as a means of carrying out Corps activities. Assault on Corps Employees. Makes it a Federal offense to assault or murder a Corps employee; sets penalties.

B-164. 27 March 1984, Public Law 98-242--Water Resources Research Act of 1984. Authorizes an ongoing program of water resources research through the Secretary of the Interior, including the establishment of one water resources research and technology institute in each state and monetary grants to these institutes and other qualified educational institutions, private foundations, private firms, individuals, and agencies of local or state government for research concerning any aspect of a water resource-related problem the Secretary deems to be of national interest.

B-165. 19 October 1984, Public Law 98-498--Marine Sanctuaries Amendments of 1984. Provides amendments to Title III, National Marine Sanctuaries, of the Marine Protection, Research, and Sanctuaries Act of 1972. Includes in Title II, Marine Safety, the Maritime Safety Act of 1984 which specifies vessel inspection and reporting requirements.

B-166. 19 October 1984, Public Law 98-501--Public Works Improvement Act of 1984 (Title I) and Federal Capital Investment Program Information Act of 1984 (Title II). Established a National Council on Public Works Improvement to prepare three annual reports on the state of the nation's infrastructure, including publically-owned water resources projects, and requires the President's budget separately identify and summarize the capital investment expenditures of the U.S., including expenditures on water resources projects.

B-167. 23 December 1985, Public Law 99-198--Food Security Act of 1985. Title XII, Subtitles B and C, provides that persons who produce an agricultural commodity on highly erodible lands or newly converted wetlands shall be declared ineligible for certain benefits provided by the U.S. Department of Agriculture, i.e., commodity price support or production adjustment payments, farm storage facility loans, disaster payments, payments for storage of Commodity Credit Corporation grain, Federal crop insurance, and farm loans administered by the Farmers Home Administration. ("Swampbuster Act")

B-168. 27 August 1986, Public Law 99-402--Federal Lands Cleanup Act of 1985. Provides for a program of cleanup and maintenance of Federal lands and designates the first Saturday after Labor Day of each year as "Federal Lands Cleanup Day." Requires each Federal land management agency, including the Corps, to organize, coordinate, and participate with citizen volunteers and state and local agencies in cleanup and maintenance of Federal public lands, recreation areas, and waterways within the jurisdiction of such agency.

B-169. 17 October 1986, Public Law 99-499--The Emergency Planning and Community Right to Know Act of 1986.

B-170. 20 October 1986, Public Law 99-502--Federal Technology Transfer Act of 1986. This Act authorizes joint efforts with industry through Cooperative Research and Development Agreements (CRDAs) and Licensing Agreements (LAs). A Corps laboratory commander is authorized to enter into CRDAs with interested parties for performing collaborative research and development leading to commercially-viable products or systems, and to enter into LAs for Government-owned inventions or technology that could be commercially exploitable.

B-171. 17 November 1986, Public Law 99-662--Water Resources Development Act of 1986. Project Cost Sharing. Section 101 establishes new requirements for non-Federal interests sharing of costs for Harbor construction and maintenance. Section 103 establishes new cost sharing requirements for Flood Control and Other Purposes. (See Chapter 6 of this EP) (Amended by Sections 201 and 202, Public Law 104-303)
Credit for Non-Federal Flood Control Works. Section 104 provides that the non-Federal costs for certain compatible flood control works, accomplished by non-Federal interests prior to Congressional authorization of a Federal flood control project, may be credited against the non-Federal share of costs for the Federal project when it becomes authorized.
Study Cost Sharing. Section 105 establishes a requirement that, for Corps feasibility studies, appropriate non-Federal interests

contribute 50 percent of the study costs.

Non-Federal Feasibility Studies. Section 203 provides that non-Federal interests may undertake navigation studies and submit them to the Secretary of the Army for transmittal to Congress.

Non-Federal Project Construction. Section 204 provides that non-Federal interests may contract with the Corps for accomplishment of navigation improvement studies and, in accordance with such studies, may carry out the improvements. Under certain conditions, their costs may ultimately be reimbursed by the United States.

Non-Federal Port Dues. Section 208 allows non-Federal interests to levy tonnage duties or fees on vessels using improved harbors, to finance the non-Federal share of project improvements.

Grants to Non-Federal Interests. Section 212 authorizes grants to a non-Federal interest operating a harbor project, for provision of emergency response services.

Inland Waterways. Section 302 establishes the Inland Waterways Users Board.

Flood Plain Management. Section 402 requires, as a pre-condition for a local protection project, that non-Federal interests must agree to participate in and comply with applicable Federal flood plain management and flood insurance programs. (Amended by Section 202, Public Law 104-303)

Ground Water Damage. Section 403 includes in the definition of flood control "improvements for protection from groundwater-induced damages."

Technical Assistance. Section 703 authorizes technical and engineering assistance to local public agencies in developing plans for rehabilitating former industrial sites and facilities for use as hydroelectric facilities. Section 942 authorizes assistance in developing plans for snagging and clearing navigable streams and tributaries, and for nonstructural renovation. Under both programs, the non-Federal share of Corps costs shall be 50 percent.

Fish Habitat Modification Projects. Section 704(b) authorizes the construction of projects for development of beneficial fish habitat not specifically authorized by Congress. A limit was not placed on the Federal expenditures per project; however, a \$5 million limit on total Federal expenditures for the program was established.

Study Deauthorization. Section 710 establishes a procedure for deauthorization of studies that have not received any Congressional appropriations for 5 years.

Project Cost Increase Limitations. Section 902 provides that, excluding the impacts of general price increases and any project additions otherwise authorized, total project costs for any project authorized in Public Law 99-662 may not exceed the authorization estimate by more than 20 percent. (Amended by Section 3(b), Public Law 100-676)

Uneconomic Increments of Projects. Section 903(c) indicates that uneconomic increments may, at full non-Federal expense, be added to an otherwise economically justified project.

Planning. Sections 904 and 905 summarize matters which should be addressed in planning studies and contained in the resultant feasibility report. Included is a requirement for description of a nonstructural alternative to the to the recommended plan (if that is not a nonstructural plan). Section 905(b) establishes that before initiating a feasibility study a reconnaissance is first to be performed at full Federal expense.

Fish and Wildlife Mitigation. Section 906 provides that, for new projects, needed mitigation measures shall be undertaken before or concurrently with project construction. It provides general authority to undertake mitigation measures for projects, whether completed, underway or unstarted, including acquisition of any needed related

lands (excluding condemnation in connection with projects already completed or well underway). It provides that mitigation costs shall be allocated to the project purposes and cost shared accordingly. It requires that feasibility reports contain a specific plan to mitigate fish and wildlife losses, unless a determination is made that there would be negligible adverse impact. Such plans shall provide that impacts on bottomland hardwood forests are mitigated in-kind to the extent possible.

Fish and Wildlife Enhancement. Section 906 also provides that for any project measures recommended to enhance fish and wildlife, costs will be entirely Federal when the benefits have a national character and, where they do not, non-Federal interests shall reimburse 25 percent of the costs. The non-Federal share of operations, maintenance and rehabilitation costs will, in all cases, be 25 percent.

Environmental Measures Justification. Section 907 provides that the benefits from environmental measures included in a project (including measures for fish and wildlife enhancement) shall be deemed to be at least equal to the related project costs.

Mitigation Fund. Section 908 establishes an Environmental Protection and Mitigation Fund from which the undertaking of authorized fish and wildlife mitigation measures may be funded in advance of project appropriations.

Continued Planning and Engineering (CP&E). Authorizes the Corps to proceed with CP&E after the Chief transmits his feasibility study recommendations to the Secretary favoring Congressional authorization of a project.

Section 221 Agreements. Section 912 amends Section 221 of the Flood Control Act of 1970 with respect to written agreements for local cooperation and has added provisions designed to enforce local fulfillment of the agreements.

Reimbursement for Non-Federal Expenditures. Section 913 modifies Section 215 of the Flood Control Act of 1968 to increase the limit of Federal reimbursement costs per project--for non-Federal construction work on an authorized project--to \$3 million.

Urban Flood Control. Section 914 provides that, where the Federal costs for improvement measures would be less than \$3 million, Corps feasibility reports may consider such measures regardless of drainage area and frequency of flooding.

Continuing Authorities. Section 915 raises the Federal monetary limit for construction of an individual flood control project authorized under Section 205 of the 1968 FCA, as amended, from \$4 to \$5 million; for a flood control clearing and snagging project under Section 2 of the 1937 FCA, as amended, ("Section 208 project"), from \$250,000 to \$500,000; for emergency bank protection authorized under Section 14 of the 1946 FCA, as amended, from \$250,000 to \$500,000; for a navigation project authorized under Section 107 of the 1960 R&H Act, as amended, from \$2 to \$4 million; for a beach erosion control project authorized under Section 103 of the 1962 R&H Act, as amended, from \$1 to \$2 million; and for mitigation of shore damages due to a navigation project, pursuant to Section 111 of the 1968 R&H Act, from \$1 to \$2 million. Section 915 also authorizes use of all of the foregoing authorities in the Trust Territory of the Pacific Islands. For navigation clearing and snagging projects authorized under Section 3 of the 1945 R&H Act, the annual program limitation was raised from \$300,000 to \$1 million.

Emergency and Disaster Authority. Emergency Water Supplies. Section 917 amends Section 5 of the 1941 FCA, as amended, by deleting the term "drinking" in the provision of emergency supplies of clean water to meet critical needs in contaminated source situations.

Disaster Recovery Efforts. Section 917 further amends Section 5 of the 1941 FCA, as amended, to authorize the Chief of Engineers, in an area where the Corps is already performing flood emergency work, for a 10-day period following a Governor's request for a disaster or emergency declaration under the Disaster Relief Act of 1974, to perform any emergency work essential for the preservation of life and property.

Waterborne Petroleum Product Information Release. Section 919 directs the Secretary to disclose information about petroleum products transported by vessel and reported to the Waterborne Commerce Statistics Center to any State taxing agency upon written request for purposes of administration of State tax laws when State law forbids disclosure to the public.

Waterborne Commerce Non-Compliance: Civil and Criminal Penalties. Section 919 amends 33 U.S.C. 555 by increasing the fine for non-compliance from \$100 to \$5,000 and added a civil penalty of up to \$2,500 per violation.

Acquisition of Recreation Lands. Section 926 provides that lands for project recreation shall be acquired concurrently with land for other project purposes. Also, it authorizes acquisition of lands, as part of a Corps project, for public park and recreation uses.

Interim Use of Water Supply Storage for Irrigation. Section 931 authorizes interim allocation of future water supply storage for irrigation purposes.

Water Supply Act Amendments. Section 932 eliminates the 10-year interest free period for future water supply; modifies the interest rate formula; limits the repayment period to 30 years; and requires allocated annual operation, maintenance and replacement costs to be reimbursed annually. (Amendments apply only to Corps projects.)

Sand Fill. Section 933 modifies Section 145 of Public Law 94-587 to authorize 50 percent Federal cost sharing of the extra costs for using dredged sand from Federal navigation improvements and maintenance efforts for beach nourishment.

Periodic Nourishment. Section 934 modifies Section 156 of Public Law 94-587 to authorize the Corps to extend aid in periodic nourishment up to 50 years from the date of initiation of project construction.

Removal of Wrecks. Section 939 amends Section 15 of the 1899 R&H Act to require owners to reimburse the Corps for costs of removal in excess of salvage value.

Mitigation of Shore Damage. Section 940 amends Section 111 of Public Law 90-483 to allow implementation of nonstructural measures to mitigate shore damages resulting from Federal navigation works; to require local interests to operate and maintain Section 111 measures; and to require cost sharing of implementation costs in the same proportion as for the works causing the shore damage.

Aquatic Plant Control. Section 941 increased the limitation on annual expenditures by the Corps for the program to \$12 million.

Historical Properties. Section 943 authorizes restoration, preservation and maintenance of historic properties on Corps lands if they are entered in the National Register of Historic Places.

Dredge Disposal. Section 945 sets limitations on permissible disposal of Corps dredging vessels.

Use of FmHA Funds. Section 950 provides that Farmers Home Administration funds can be used to pay the non-Federal share of any other Federal grant-in-aid program.

Project Deauthorization. Section 1001(a) provides that any project authorized for construction in this Act shall be deauthorized as of the fifth anniversary of its enactment if funds have not been allocated for construction prior to that date. Section 1001(b) establishes a new procedure, replacing the procedure established by Section 12 of Public Law 93-251, for deauthorization of previously

authorized projects or separable elements for which no funds have been obligated for a period of 10 fiscal years. (Amended by Section 52, Public Law 100-676 and Section 228, Public Law 104-303)

Control of Ice. Section 1101 authorizes a limited program for ice research and technical assistance.

California Debris Commission. Section 1106 abolishes this Commission, first established in 1893.

Private Use Facilities. Section 1134 extends, indefinitely, beyond December 31, 1989, prohibition against enforced removal of certain private-use facilities from Corps lands.

Project Modifications to Improve Environment. Section 1135 authorizes review of the operation of completed water resources projects to determine need for modifications for the purpose of improving environmental quality.

Cost Sharing, Territories. Section 1156 authorizes waiver of non-Federal cost sharing requirements up to \$200,000 for all studies and projects in American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, and the Trust Territory of the Virgin Islands.

Dam Safety. Section 1201 authorizes Corps grants to states that establish and maintain an approved dam safety program, and establishes a National Dam Safety Review Board. Section 1203 requires non-Federal interests which are participating in reimbursable purposes of a project to share in the costs of modifying Corps dams and related facilities resulting from changes deemed necessary for safety purposes. (Amended by Section 215, Public Law 103-404)

Harbor Maintenance Tax. Section 1402 amends the Internal Revenue Code of 1954 to provide for imposition of a tax on any port use.

Harbor Maintenance Trust Fund. Section 1403 amends the Internal Revenue Code of 1954 to provide for establishing a "Harbor Maintenance Trust Fund" in the United States Treasury.

Inland Waterways Tax. Section 1404 amends the Internal Revenue Code of 1954 to modify the schedule for taxes imposed on fuels used in commercial transportation on inland waterways.

Inland Waterways Trust Fund. Section 1405 amends the Internal Revenue Code of 1954 to establish the "Inland Waterways Trust Fund" in the United States Treasury.

B-172. 4 February 1987, Public Law 100-4--Water Quality Act of 1987. Section 407 requires the Administrator of EPA and the Secretary of the Army to enter into an agreement regarding coordination of permitting for log transfer facilities to designate a lead agency and to process permits required under Sections 402 and 404 of the Federal Water Pollution Control Act, where both sections apply, for discharges associated with the construction and operation of log transfer facilities.

B-173. 2 April 1987, Public Law 100-17--Uniform Relocation Act Amendments of 1987 (Title IV). Section 403 provides for the head of a Federal agency to discharge his/her responsibility under the Act (Public Law 91-646) by accepting certification by a state agency that it will carry out such responsibility, if the head of the U.S. Department of Transportation (i.e., lead agency) determines that such responsibility when carried out in accordance with state laws will accomplish the purpose of the Act.

B-174. 27 May 1987, Public Law 100-45--Farm Disaster Assistance Act Of 1987. Section 9 amends Section 5 of the 1941 FCA, as amended, by requiring the Corps to consider benefits to residential, commercial and agricultural establishments in preparing a benefit-cost analysis for any emergency project.

B-175. 1 October 1988, Public Law 100-460--Rural Development, Agriculture, and Related Agencies Appropriation Act, 1989. Section 632 of this Act provides: "Hereafter, none of the funds appropriated in this or any other Act shall be used to alter the method of computing normalized prices for agricultural commodities for use by any Federal agency in evaluating water resources development projects to be undertaken in whole or in part with Federal funds that was in effect as of January 1, 1986." As of the date cited, the U.S. Department of Agriculture (USDA) estimated the normalized prices by using a computer model of the U.S. agriculture sector. (The model is designed to "normalize" prices, i.e., remove any short run seasonal or cyclical variation.) The prices furnished by USDA are used by the Corps and other Federal agencies to evaluate the benefits of projects affecting agriculture.

B-176. 17 November 1988, Public Law 100-676--Water Resources Development Act of 1988. Project Cost Increase Limitations. Section 3(b) extends the provisions of Section 902 of Public Law 99-662 to projects authorized in this and subsequent Acts.
Reservoir Operations. Section 5 requires that there be opportunity for public review and comment before a change is made in reservoir operation involving reallocation of storage or significantly affecting any project purpose.
Collaborative Research and Development. Section 7 authorizes use of Corps labs and research centers for cost shared R&D with non-Federal entities.
Reimbursement for Non-Federal Expenditures. Section 12 further amends Section 215 of the Flood Control Act of 1968 to provide that the limit of Federal reimbursement costs per project may be 1 percent of total project costs if that would be greater than \$3 million. For any such project, reimbursement in any one year may not exceed \$5 million.
Utility Relocations. Section 13 amends Section 101(a) of Public Law 99-662 to include, retroactively, sponsor costs for related utility relocations as part of sponsor LERRD costs creditable against their required post-construction repayment (over a period not exceeding 30 years) of 10 percent of total project costs.
Flood Plain Management. Section 14 amends Section 402 of Public Law 99-662 to extend Federal flood insurance and flood plain management programs compliance requirements to sponsors of hurricane and storm damage reduction projects.
Contained Disposal Areas, Great Lakes. Section 24 provides that such facilities, developed pursuant to Section 123 of the River and Harbor Act of 1970, may continue to be used by the Corps until filled or no longer needed.
Project Deauthorization. Section 52 extends the provisions of Section 1001(a) of Public Law 99-662 to projects authorized in this and subsequent Acts.

B-177. 23 November 1988, Public Law 100-707--Robert T. Stafford Disaster Relief and Emergency Assistance Act. A major amendment to the Disaster Relief Act Amendments of 1974, Public Law 93-288. Authorized the Federal Government to assist state and local governments in disaster preparedness, response, and recovery efforts. Provided for the appointment of a Federal Coordinating Officer (FCO) to coordinate the overall delivery of Federal assistance. Federal departments and agencies will provide response assistance directly to the state, under the FCO's direction.

B-178. 13 December 1989, Public Law 101-233--North American Wetland Conservation Act. Directs the conservation of North American wetland ecosystems for waterfowl and the other migratory birds and fish and wildlife that depend upon such habitats. Section 9 requires agencies to manage their lands for wetland/waterfowl purposes to extent consistent with missions.

B-179. 18 August 1990, Public Law 101-380--Oil Pollution Prevention, Response, Liability, and Compensation Act of 1989. Section 4112 requires the Secretary of the Army to conduct a study and report in one year on the feasibility of modifying dredges and using them to remove spills of oil and other hazardous substances.

B-180. 5 November 1990, Public Law 101-508--Omnibus Budget Reconciliation Act of 1990. TITLE VI, Subtitle C, reauthorizes the Coastal Zone Management Act and requires Federal activities within or outside the coastal zone, which may affect the natural resources, land uses, or water uses in the coastal zone, to be consistent to the maximum extent practicable with the enforceable policies of a State-approved management plan. TITLE XI, Subtitle B, Section 11214, increases the Harbor Maintenance User Fee from 0.04 percent to 0.125 percent effective 1 January 1991.

B-181. 16 November 1990, Public Law 101-591--Coastal Barrier Improvement Act of 1990. Reauthorizes the Coastal Barrier Resources Act and expands the size of the Coastal Barrier System. Prohibits the use of Federal assistance to develop lands within the system; however, Federal assistance can be used for certain specified activities, including maintenance or construction of improvements of existing Federal navigation channels.

B-182. 16 November 1990, Public Law 101-595--Federal Maritime Commission Authorization Act of 1990. Section 307 exempts dredges from Federal pilotage requirements, unless the Secretary of Transportation determines that a navigation hazard would be created.

B-183. 16 November 1990, Public Law 101-596--Great Lakes Critical Programs Act of 1990. Title I (Great Lakes) sets schedules and deadlines for the EPA Administrator to accomplish a number of tasks including completion of demonstration projects for achieving a specified numerical standard for contaminated sediments at certain lake sites. Section 102 requires the Administrator to publish information concerning the public health and environmental consequences of contaminants in Great Lakes sediment including specific numerical limits on bioaccumulation of toxins. Section 104 directs the Administrator, in consultation with the Secretary of the Army, to develop and implement within one year management plans for Great Lakes confined disposal facilities.

B-184. 16 November 1990, Public Law 101-601--Native American Grave Protection and Repatriation Act. Requires that Federal agencies inventory within 5 years their collection of human skeletal remains and associated funerary objects and identify cultural descendants. Human skeletal remains and funerary objects must be transferred to these cultural descendants for disposition in accordance with their customs if they so request. A summary of all unassociated funerary objects and sacred objects must be completed within three years and records made available to Native American organizations.

B-185. 28 November 1990, Public Law 101-624--Food, Agriculture, Conservation and Trade Act of 1990. Section 1422 modifies the 'Swampbuster' provision of the 1985 Food Security Act to provide for delineation of wetlands which are defined as having a predominance of hydric soils which under normal circumstances support a prevalence of hydrophytic vegetation. It also provides for additional exemptions for activities in wetlands that have been frequently cropped, if a converted wetland is restored. Penalties are reduced when activities were conducted in good faith, if the wetland is being actively restored.

B-186. 28 November 1990, Public Law 101-640--Water Resources Development Act of 1990. Planning and Engineering. Section 301 directs that if a non-Federal sponsor contributes 50 percent of the cost of the feasibility study, costs of planning and engineering for the project shall be treated as costs of construction. Emergency Response. Section 302 amends Section 5 of the 1941 FCA, as amended, to authorize the Secretary of the Army to prepare for emergency response to any natural disaster and to expend funds for emergency dredging to restore Federal navigation channels and waterways after a natural disaster. Construction of Navigation Projects by Non-Federal Interests. Section 303 amends Section 204 of Public Law 99-662 to permit a non-Federal sponsor to complete a small navigation project initiated under the Section 107 program, and to authorize the Secretary of the Army to reimburse the sponsor for the Federal share of the cost of the project. Project Modifications for the Improvement of the Environment. Section 304 amends Section 1135 of Public Law 99-662 to delete the time period for the Section 1135 program, and to change the authorized appropriations to \$15 million annually to carry out the program. Ability to Pay. Section 305 directs the Secretary of the Army to consider local, not statewide, economic and financial data when evaluating a non-Federal sponsor's ability to pay and the revised procedures must provide for a reduction in the non-Federal cash contribution required in excess of minimum 5 percent. Revised regulations must be published within 1 year. Environmental Protection Mission. Section 306 directs the Secretary of the Army to include environmental protection as one of the primary missions of the Corps. Wetlands. Section 307 establishes for the Corps water resources program an interim goal of no overall net loss of wetlands and a long-term goal to increase the quality and quantity of the Nation's wetlands. Directs the Secretary of the Army to establish an action plan to achieve this goal and others within 1 year. Authorizes the Secretary of the Army to establish a 3-year demonstration program for wetlands restoration, enhancement, and creation. In addition, authorizes the Secretary to establish a program for the training and certification of wetlands delineators. Flood Plain Management. Section 308 directs that the Secretary of the Army cannot consider for justifying new Federal project benefits from protecting specified new or substantially improved structures built in the flood plain after 1 July 1991. Structures which are not water-dependent would be affected if they are either built in the 100-year flood plain with the first floor elevation less than the 100-year flood elevation after 1 July 1991 or the 10-year flood plain if the county is substantially located within the 100-year flood plain. Also

directs the Secretary to report by 1 January 1992 on the advisability of increasing the non-Federal share in areas where certain new flood plain development occurs after a community enters into the national flood insurance program.

Shoreline Protection. Section 309 directs the Secretary of the Army to report within 1 year on the advisability of not participating in shoreline protection projects unless the state has established a management program which includes restrictions on new development, provisions for the relocation of structures, and for assuring public access.

Reservoir Management. Section 310 directs the Secretary of the Army to establish within 2 years a technical advisory committee to provide to the Secretary and Corps recommendations on reservoir monitoring and options for reservoir research. Also directs the Secretary to ensure that significant opportunities for public participation are provided in developing or revising reservoir operating manuals and report on implementation of this matter by 1 January 1992. (Amended by Section 233, Public Law 103-404)

Reservoir Project Operations. Section 311 directs the Secretary of the Army to report within 6 months on the purposes for which each Corps reservoir project is authorized and the purposes for which it is being operated.

Environmental Dredging. Section 312 authorizes the Secretary of the Army to establish a 5-year, \$10 million per year environmental dredging program. The dredging must be performed in accordance with a plan developed by interested Federal and non-Federal officials, and the non-Federal sponsor must agree to pay the disposal costs and 50 percent of the cost of the dredging. (Amended by Section 205, Public Law 103-404)

Protection of Recreational and Commercial Uses. Section 313 directs the Secretary of the Army to consider recreational impacts in planning projects and in operating and maintaining them. The Secretary may expend up to \$2 million annually to mitigate for adverse recreational impacts of maintenance, repair, rehabilitation, or reconstruction activities. A non-Federal sponsor must agree to share the costs.

Operation and Maintenance of Federal Hydropower Facilities. Section 314 declares that operation and maintenance of Federal hydropower facilities are to be considered as inherently governmental functions and not commercial activities.

Environmental Planning. Section 315 amends Section 904 of Public Law 99-662 to specify that, under the general requirement that projects enhance the quality of the total environment, preservation and enhancement of the environment are specific factors to be addressed in planning.

Harbor Maintenance Trust Fund. Section 316 amends Section 210 of Public Law 99-662 to authorize the use of appropriations from the Harbor Maintenance Trust Fund to pay up to 100 per cent of the eligible operation maintenance costs assigned to commercial navigation.

Single Entities. Section 317 directs the Secretary of the Army to not consider facilities owned by a state, county, municipality or other public entity as a single owner or single entity for any purpose.

Technical Assistance to Private Entities. Section 318 authorizes the Secretary of the Army to use Corps research and development laboratories to provide assistance on a reimbursable basis to the private sector. The assistance must be within the mission of the Corps and not otherwise obtainable from the private sector. In addition, Section 9 of Public Law 100-676 is amended by removing the 2-year limit on the program to provide technical assistance, on a nonexclusive basis, to U.S. firms working outside the United States.

Cabin Site Leases. Section 320 amends Section 1134 of Public Law 99-

662 to add cabins and trailers to the list of property interests protected from lease cancellation at Corps reservoirs.

Information on Floods and Flood Damages. Section 321 amends Section 206 of Public Law 86-645 to authorize the Secretary of the Army to collect fees from Federal agencies and private persons for flood plain management services and specifically prohibit the Secretary from collecting fees from non-Federal public entities.

Reduced Pricing for Certain Water Supply Storage. Section 322 authorizes the Secretary of Army to provide at a reduced price up to 2 MGD of water to a community of less than 20,000 with a per capita income less than that of two-thirds of the counties in the U.S. The price shall be the greater of (1) the updated construction cost of the water supply storage or \$100 per acre foot, whichever is less and (2) the value of the benefits lost by providing the water.

Demonstration of Construction of Federal Project by Non-Federal Interests. Section 404 directs the Secretary of the Army within 1 year, to enter into agreements with two non-Federal interests which permit the non-Federal interests to undertake all or part of a navigation project by utilizing their own personnel or by procuring outside services. The non-Federal cost must not exceed the cost of the Secretary undertaking the project.

Wetlands Enhancement Opportunities. Section 409 directs the Secretary of the Army to submit a report by 20 January 1992 that identifies opportunities for enhancing wetlands in connection with the construction and operation of water projects.

Magnetic Levitation Technology. Section 417 authorizes the Secretary of the Army in fiscal years 1990 and 1991 to conduct research and development activities on magnetic levitation technology or to provide for such activities in cooperation with the Secretary of Transportation. The Secretary may collaborate with non-Federal entities. The non-Federal share of the costs is 50 percent.

B-187. 29 November 1990, Public Law 101-646--Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (Title I). Section 1202 directs the Assistant Secretary of the Army for Civil Works to serve on the Aquatic Nuisance Species Task Force; directs the Task Force to develop a research and technology development program aimed at controlling the zebra mussels in and around public facilities and to make grants for implementation of public facilities management plans of states.

Great Lakes Fish and Wildlife Restoration Act of 1990 (Title II). This title is essentially the same as Title I of Public Law 101-537, except that Section 2009(b) authorizes \$1.5 million to be annually appropriated to the Secretary of the Army.

Coastal Wetlands Planning, Protection and Restoration Act (Title III) (also known as the Breaux Bill). Sections 303 and 304 direct a Task Force chaired by the Secretary of the Army to develop within three years a Louisiana Coastal Wetlands Restoration Plan and to carry out restoration projects. Section 305 directs the Director of the Fish and Wildlife Service to make matching grants to other coastal states to carry out coastal wetlands conservation projects. Eighteen percent of the funds appropriated annually from the DOI's Sport Fish Restoration Account are to be used to implement these provisions.

B-188. 17 August 1991, Public Law 102-104--Energy and Water Development Appropriations. Makes appropriations for energy and water development for the fiscal year ending 30 September 1992. Regulatory Program. Title I states that funds may not be expended to delineate wetlands using the 1989 manual, causing the Corps to revert back to use of the 1987 manual.

B-189. 18 December 1991, Public Law 102-240--Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). Establishes a national intermodal surface transportation system, authorizes funds for construction of highways, for highway safety programs and for mass transit programs.

Wetlands Mitigation. Sections 1006 and 1007 authorize use of transportation funds for wetlands mitigation efforts, including participation in wetlands mitigation banks.

National High-Speed Ground Transportation Programs. Section 1036 establishes a National Magnetic Levitation Prototype Development Program to be managed by a Program Director appointed jointly by the Secretary of Transportation and Assistant Secretary of the Army for Civil Works. A portion of the funds shall be derived from the Highway Trust Fund.

B-190. 30 September 1992, Public Law 102-372--Tourism Policy and Export Promotion Act of 1991. Amends the International Travel Act of 1961 to assist in the growth of international travel and tourism into the United States.

Tourism Policy Council. Section 15 amends Section 302 of the International Travel Act of 1961 by adding the Chief of Engineers and others as members of the tourism policy council.

B-191. 6 October 1992, Public Law 102-386--Federal Facilities Compliance Act of 1992. Section 102 amends Section 6001 of the Solid Waste Disposal Act to provide that Federal facilities must comply with Federal and state environmental laws and requirements. Section 104 amends section 3007(c) of the Solid Waste Disposal Act to require annual inspection of Federal facilities by the Administrator of EPA. States with an authorized hazardous waste program may also conduct inspections for the purposes of enforcing the facilities' compliance with the State hazardous waste program. The department or agency must reimburse the EPA for the costs of the inspection. At the first inspection, EPA is to conduct comprehensive groundwater monitoring. (42 U.S.C. 690)

B-192. 6 October 1992, Public Law 102-396--Department of Defense Appropriations Act of 1993. Section 9137 states the sense of the Congress that the Corps of Engineers should evaluate new concrete construction technologies to identify those that could, if used in future construction, reduce the extent of damages caused by hurricanes.

B-193. 24 October 1992, Public Law 102-486--Comprehensive National Energy Policy Act. Section 2406 authorizes the Secretaries of Interior and Army to plan, design, construct, operate and maintain power generation improvements and replacements at their projects in the Pacific Northwest Region. They are also authorized to operate and maintain their power facilities that they and the Administrator of the Bonneville Power Administration determine necessary or appropriate with any funds that the Administrator makes available for such purpose.

B-194. 31 October 1992, Public Law 102-575--Reclamation Projects Authorization and Adjustments Act of 1992.

Cost Sharing for New Recreation Facilities. Section 2804 amends P.L. 89-72 (Federal Water Project Recreation Act) regarding cost sharing requirements for the provision of new recreation facilities. The requirement for the sponsor to assume 100 percent of operations, maintenance, and replacement costs is changed to "not less than one half the costs." Although the original law was directed at the Bureau

of Reclamation, these amendments extend to the Corps as well. Western Water Policy Review. Title XXX directs the President to undertake a comprehensive review of Federal activities in the 19 Western States which affect the allocation and use of water resources. An advisory commission which includes the Secretary of the Army shall assist in the preparation and review of the report.

National Historic Preservation Act Amendments. Title XL amends the National Historic Preservation Act by expanding Tribal Historic Preservation Programs, establishing professional standards, and creating a National Center for Preservation Technology and Training.

B-195. 31 October 1992, Public Law 102-580--Water Resources Development Act of 1992. Ability to Pay. Section 201(a) modifies Section 103(m) of Public Law 100-676 concerning the ability of non-Federal interests to pay under cost-sharing agreements for flood control and agricultural water supply. This ability to pay shall be determined by the Secretary of the Army. Section 201(b) directs the Secretary of the Army to: (1) review regulations on ability to pay in light of locally prevailing conditions such as those associated with specified projects; and (2) amend the regulations to the extent that the Secretary determines necessary to more appropriately take into account locally prevailing conditions which would limit the ability of local interest to participate as non-Federal project sponsors in accordance with established cost-sharing formulas. Projects for Improvements of the Environment. Amends Section 1135 of Public Law 100-676 to increase annual program limit to \$25 million but requires that modifications exceeding \$5 million be authorized by Congress.

Voluntary Contributions for Environmental and Recreation Projects. Section 203 authorizes the Secretary of the Army to accept contributions of cash, funds, materials, and services from anyone except project sponsors for a water resources project for environmental protection and restoration or for recreation.

Beneficial Uses of Dredged Material. Section 204(a) establishes a new program for beneficial uses of dredged material for construction, operation or maintenance of an authorized navigation project. Section 204(c) requires non-Federal interests to agree to provide 25 percent of construction costs including all LERR, and 100 percent of OMRR&R associated with the project. Section 204(e) establishes an annual program limit of \$15 million.

Definition of Rehabilitation for Inland Waterway Projects. Section 205 establishes a definition for "rehabilitation" for inland and intracoastal waterway projects, to include major project feature restoration, structural modification of a major project component (not exhibiting reliability problems). Routine or deferred maintenance are explicitly excluded.

Construction of Shoreline Protection Projects by Non-Federal Interests. Section 206 authorizes construction of shoreline protection projects on the U.S. coastlines by non-Federal interests subject to permits and approval of the Secretary. Section 206 also allows non-Federal entities to utilize Corps study information or contract with the Corps to do studies, directs monitoring of construction and O&M where appropriate, and authorizes the Secretary of the Army to reimburse non-Federal interests the appropriate Federal share of a project approved for construction.

Cost-Sharing for Disposal of Dredged Material on Beaches. Section 207 modifies section 145 of Public Law 94-587 to authorize political subdivisions of States to enter into agreements (with concurrence of States) for disposal of dredged material on beaches and to consider, and to the maximum extent practicable, accommodate the schedule of the sponsor in providing its share of costs.

Dam Safety Program Extension. Amends Public Law 92-367.

Section 209(a) extends the appropriations authority for State Safety Programs element for two years, through FY 1994. Section 209(b) extends the appropriations authority for State Training Programs element for two years, through FY 1994. Section 209(c) extends the appropriations authority for Research Program element for two years, through FY 1994. Section 209(d) extends the appropriations authority for Dam Inventory element for two years, through FY 1994.

Safety Award and Promotional Materials. Section 210 authorizes a \$350,000 annual program for safety promotion and employee recognition.

Work for Others. Section 211 modifies the definition of "State" in 10 USC 3036(d) for those eligible for assistance under "Work for Others".

Use of Private Sector Resources in Surveying and Mapping. Section 212 directs the Secretary of the Army to use private sector resources to the maximum extent practicable in carrying out surveying and mapping activities in the civil works program.

Use of Domestic Products. Section 213 reaffirms need for compliance with "Buy American Act" for procurements with funds appropriated to carry out this Act and establishes reporting requirement and defines "domestic product" for this provision.

Rural Project Evaluation and Selection Criteria. Section 214 directs the Comptroller General to report to Congress in 18 months of enactment on legislative and other recommendations to meet identified objectives to enhance water resources development projects in rural areas.

Dredged Material Disposal Areas. Section 216 directs the Secretary of the Army to conduct a study on the need for changes in Federal law and policy with respect to dredged material disposal areas for the construction and maintenance of harbors and inland harbors.

Board of Engineers. Section 223 abolishes the Board of Engineers for Rivers and Harbors as of 180 days after enactment. Duties may be transferred to other elements as determined necessary.

Channel Depths and Dimensions. Section 224 amends Section 5 of the Act of March 4, 1915. (After construction of a navigation project, this will allow required dredging outside authorized dimensions of entrances, bends, sidings, and turning places as necessary to maintain an effective project.)

Challenge Cost-Sharing Program for the Management of Recreation Facilities. Section 225 authorizes the Secretary of the Army to develop and implement a program to accept contributions of funds, materials, and services from non-Federal public and private entities to be used in managing recreation facilities and natural resources.

Debarment of Persons Convicted of Fraudulent Use of "Made in America" Labels. Section 226 directs the Secretary of the Army to debar from contracting with the Federal Government for three to five years a person determined by the Secretary to have intentionally affixed "Made in America" labels on products used in a civil works project and not meeting criteria for such labeling.

Extension of Jurisdiction of Mississippi River Commission. Section 301 extends jurisdiction of the Mississippi River Commission to include Terrebonne Parish and certain areas east of the East Atchafalaya Basin Protection Levee and west of the Mississippi River Levee.

Availability of Contaminated Sediments Information. Section 327 directs the Secretary of the Army to conduct a national study and compile information on contaminated sediments and to report to Congress in one year.

Harbor Maintenance Trust Fund Deposits and Expenditures. Section 330 requires the President to report to Congress on expenditures from and deposits to the Harbor Maintenance Trust Fund by 1 Mar 93 and annually thereafter.

Fish and Wildlife Mitigation. Section 333 modifies Section 906(c) of Public Law 99-662 to provide that costs of LERR required for fish and wildlife mitigation shall be allocated the same as other costs.

International Outreach Program. Section 401(a) authorizes the Secretary of the Army to collect, analyze and make available information and technology from abroad that could improve U.S. waterborne transportation, both inland and deep draft. Efforts can include R&D, training, technology transfer and technical services. Section 401(b) authorizes provision of such assistance to Federal, state and local agencies, other public entities, corporations (profit or nonprofit) and foreign governments. Section 401(c) authorizes that funds to carry out programs can include those deposited in special Treasury account by cooperating entity or organization.

Marine Technology Review. Section 402 authorizes the Secretary of the Army to conduct a study and report to Congress on dredging needs of U.S. ports and harbors based on all relevant physical, economic and world trade factors.

Contaminated Sediment and Ocean Dumping. Title V establishes a National Contaminated Sediment Assessment and Management program.

Section 502(a) establishes a National Contaminated Sediment Task Force to advise the Secretary of the Army and EPA Administrator on implementation of Title V; review reports, programs and pollutants selected for criteria; advise and make recommendations on guidelines and prevention and control measures; and review and advise on means and methods to locate long-term disposal sites.

Section 502(b) establishes membership for the Task Force, designates the Administrator and Secretary as cochairmen; establishes method for provision of clerical and technical assistance and compensation of non-Federal members.

Section 502(c) directs the Task Force to provide a report to Congress within two years on findings and recommendations.

Section 503(a) directs the Administrator to conduct a comprehensive survey of aquatic sediment quality in the United States, including potential source of pollution and within 24 months of enactment to report to Congress on findings with recommendations to prevent contamination.

Section 503(b) directs the Administrator to conduct a comprehensive and continuing monitoring program to assess aquatic sediment quality. The monitoring program includes location and extent of pollution; methods and protocols for monitoring; system for data management; assessment of trends over time; identify locations of where pollutants may pose threats to specific resources; establish clearinghouse for information; and, provide a report to Congress on findings within two years.

Section 504(a) amends Sections 103(c) & (e) of the Marine Protection, Research, and Sanctuaries Act of 1972 (MPRSA) to set procedures and time limits for the Administrator to review and concur, concur with conditions, or nonconcur with a proposed permit by the Secretary for sediment disposal. The permit cannot be issued if a "nonconcur". If a "concur with conditions", the permit issued has to include the specific conditions and require compliance.

Section 505 amends Section 106(d) of the MPRSA to define the applicability of state rules and establish an exception for Federal projects.

Section 506(a) amends Section 102(c) of the Marine Protection, Research, and Sanctuaries Act to direct the Administrator to designate sites or time periods for dumping, and in conjunction with Secretary, to develop a site management plan for each designated site and describe what should be included in plan and periodic review time frames. A deadline of 1 January 1997 is established for development of management plans at all sites.

Section 506(b) amends Section 103(b) of the MPRSA to establish basis for selection and time limits on use of "alternative" disposal sites, designated by the Secretary.

Section 507 amends Section 104 of the MPRSA to ensure consistency with site management plan and set time limit for permits.

Section 508 amends Section 105 of the MPRSA to establish criminal penalties for violation of provisions and authorize seizure and forfeiture of vessels involved in violation.

Section 510 amends Section 112 of the MPRSA to provide that existing reports required to Congress will include specific information on permits issued, actions taken for each permit, and descriptive information on permitted site, material disposed and management practices implemented.

B-196. 16 November 1993, Public law 103-141--Religious Freedom Restoration Act.

B-197. 3 December 1993, Public Law 103-181--Hazard Mitigation and Relocation Assistance Act of 1993. Amends Public Law 93-288, as amended, the Stafford Act, to: (1) increase from 50 to 75 percent of the cost of hazard mitigation measures the amount authorized to be contributed by the President when determined to be cost-effective while substantially reducing the damage or loss suffered in a major disaster; (2) increase the total Federal contributions for mitigation authorized for damages from a major disaster to 15 percent of the estimated aggregate amounts of grants to be provided under such Act for such disaster; and (3) provide the terms and conditions under which the Director of the Federal Emergency Management Agency may provide property acquisition and relocation assistance in connection with flood damaged property. States that the purchase of any real property under a qualified buyout program (the Federally assisted purchase of property damaged by the major Midwest flood of 1993) shall not constitute the making of Federal financial assistance available for the cost of a program resulting in the acquisition of real property or in an owner of real property being a displaced person within the meaning of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

B-198. 12 February 1994, Public Law 103-211--Emergency Supplemental Appropriations Act of 1994. Makes appropriations to the Department of Agriculture to repair damage to the waterways and watersheds resulting from the Midwest floods and California fires of 1993 and other natural disasters, provided, among other things, that the Secretary of the Army determines that the cost of land and levee restoration exceeds the fair market value of an affected cropland, the Secretary may use sufficient amounts from funds provided under this heading to accept bids from willing sellers to enroll such cropland inundated by the Midwest floods of 1993 in any of the affected States in the Wetlands Reserve Program.

B-199. 26 August 1994, Public Law 103-316--Energy and Water Development Appropriations Act, 1995. Report language directs the Secretary of the Army to take whatever steps are possible to ensure that fees charged be the private lessees for the use of boat launch facilities constructed by the Corps do not exceed those charged by the Corps for the use of similar facilities. In addition, the Secretary is directed to take whatever steps are possible to ensure that individuals who purchase season passes for the use of Corps boat launching facilities can use those passes at all facilities constructed by the Corps even if they are operated by private lessees.

B-200. 23 September 1994, Public Law 103-325--National Flood Insurance Reform Act of 1994 (Title VI). Section 641 amends the Housing and Urban Development Act of 1968 to require the FEMA Director to coordinate all flood and erosion mitigation activities under the Act.

B-201. 5 October 1994, Public Law 103-337--National Defense Authorization Act for FY 1995. Section 1143 directs the Secretary of Defense to establish a plan for the development and deployment of existing defense environmental technologies in support of the dredging requirements of dual-use ports. The plan, to be submitted to Congress not later than 180 days after 5 October 1994 (the date of enactment), shall include: (1) the environmentally secure containment and management of contaminated dredged material, and (2) the decontamination of dredged material.

B-202. 31 October 1994, Public Law 103-426--A bill to authorize the Secretary of the Interior to negotiate agreements for the use of Outer Continental Shelf sand, gravel, and shell resources. Amends the Outer Continental Shelf Lands Act to authorize the Secretary of the Interior to negotiate agreements for the use of sand, gravel and shell resources from the Outer Continental Shelf for use in 1) shore protection, beach restoration or coastal wetlands restoration programs or projects undertaken by a Federal, state or local government entity or 2) a construction project that is funded in whole or in part by or authorized by the Federal Government. The Secretary may assess a fee based on an assessment of the value of the resources and the public interest served by promoting development of the resources. Requires any Federal agency which proposes to make use of sand, gravel and shell resources under provisions of this Act to enter into a MOA with the Secretary concerning the potential use of those resources; and Secretary of the Interior to notify the House Committee on Merchant Marine and Fisheries, the House Committee on Natural Resources, and the Senate Committee on Energy and Natural Resources.

B-203. 10 February 1996, Public Law 104-106--National Defense Authorization Act for FY 1996. Value Engineering for Federal Agencies. Section 4306 amends the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) to direct that each Executive agency shall establish and maintain cost-effective value engineering procedures and processes.

B-204. 12 October 1996, Public Law 104-303--Water Resources Development Act of 1996. Cost Sharing for Dredged Material Disposal Areas. Section 201 directs that dredged material disposal facilities for O&M be considered a general navigation feature and cost shared in accordance with Title I of Public Law 99-662. The Harbor Maintenance Trust Fund will be the source of the Federal portion of the funds for construction of dredged material disposal facilities for O&M. Project Cost Sharing. Section 202 increases to 35 percent the non-Federal cost sharing requirements for flood control and most environmental restoration projects authorized after the date of enactment of this act. (The Section 1135 Program remains at 25 percent). Revises ability-to-pay rules for flood control projects and requires preparation of a flood plain management plan by the non-Federal sponsors within one year of signing a PCA. Emergency Response. Section 202(e) amends Section 5 of the 1941 FCA, as amended, to authorize implementation of nonstructural alternatives

in the repair or restoration of damaged flood control works.
Levee Owners Manual. Section 202(f) amends Section 5 of the 1941 FCA, as amended, to require the Secretary of the Army to prepare Levee Owners Manual on potentially eligible flood control works, provide to non-Federal interests, and defines the terms "maintenance and upkeep" and "repair and rehabilitation".

Restoration of Environmental Quality. Section 204 broadens the Section 1135 program to specifically allow restoration work off of project lands as long as it is shown that a Corps project contributed to the degradation of the environment.

Aquatic Ecosystem Restoration. Section 206 authorizes the Secretary of the Army to carry out aquatic ecosystem restoration and protection projects subject to a Federal cost limitation of \$5 million per project. Beneficial Uses of Dredged Materials. Section 207 directs that, in connection with carrying out navigation projects, the Secretary may select a disposal method that is not the least cost option if the incremental costs are reasonable in relation to the environmental benefits, including wetlands development and shoreline erosion control.

Environmental Protection and Restoration. Section 210 amends Section 103(e) of Public Law 99-662 to add environmental protection and restoration as another project purpose with a non-Federal cost share of 35 percent.

Construction of Flood Control Projects by Non-Federal Interests. Section 211 allows non-Federal interests to construct authorized flood control projects.

Emergency Bank Protection. Section 219 amends Section 14 of the 1946 FCA to increase program expenditure limits to \$15 million per year and \$1 million per locality.

Reimbursement for Non-Federal Expenditures. Section 224 amends Section 215 of the 1968 FCA, as amended, to increase the limit on reimbursements per project to \$5 million.

Planning Assistance to States. Section 221 expands the Planning Assistance to States Program to include ecosystem and watershed planning. Increases the annual program limit and per state limit.

State and Federal Review Period. Section 223 changes the Federal review period for feasibility studies from 90 down to 30 days.

Shore Protection. Section 227 clarifies shore protection policy to maintain a Federal interest in shoreline and beach protection and restoration, including the use of periodic beach nourishment.

Hopper Dredges. Section 237 directs initiation of a program to increase the use of private industry hopper dredges in navigation maintenance.

B-205. 26 October 1996, Public Law 104-332--National Invasive Species Act. Establishes a national ballast-water management program to reduce the introduction and spread of foreign aquatic species in all U.S. waters.

Public Facility Research and Development. Section 2(e) amends subtitle C of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to direct the Assistant Secretary of the Army, in consultation with the Aquatic Nuisance Species Task Force, to develop a program of research, technology development, and demonstration for the environmentally sound control of zebra mussels in and around public facilities.

Dispersal Barrier Demonstration. Section 2(e) amends subtitle C of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to direct the Assistant Secretary of the Army, in consultation with the Aquatic Nuisance Species Task Force, to investigate and identify environmentally sound methods for preventing and reducing the dispersal of aquatic nuisance species between the Great Lakes-Saint

Lawrence drainage and the Mississippi River drainage through the Chicago River Ship and Sanitary Canal, including any of those methods that could be incorporated into the operation or construction of the lock system of the Chicago River Ship and Sanitary Canal.

B-206. 12 November 1996, Public Law 104-333--Omnibus Parks and Public Lands Management Act of 1996. National Recreation Study. Section 1021 amends the Land and Water Conservation Fund Act of 1965 to require the President to appoint a nine-member advisory commission (to include the Secretary of the Army or his/her designee) to review the current and anticipated demand for recreational opportunities at lakes and reservoirs managed by the Federal government. Once the review is complete, the commission is to submit a report addressing the extent of water related recreation at Federal manmade lakes and reservoirs and develop alternatives to enhance the opportunities for such use by the public.

B-207. 12 June 1997, Public Law 105-18--Emergency Supplemental Appropriations Act.
Susquehanna River Basin Compact and the Delaware River Basin Compact Membership. Section 3001 directs that, beginning in FY 1997, U.S. members and alternates appointed under the Susquehanna River Basin Compact and the Delaware River Basin Compact shall be Presidentially appointed and Senate-confirmed Regular Army officers of the Corps of Engineers.
Consultation and Conferencing under the Endangered Species Act. Section 3003 suspends reviews mandated by the Endangered Species Act for flood-control projects if it is determined that the repairs are necessary to prevent an imminent disaster.

B-208. 19 November 1997, Public Law 105-85--National Defense Authorization Act for Fiscal Year 1998. Report on the Command Selection Process for District Engineers of the Army Corps Of Engineers. Section 508 directs that not later than 31 March 1998, the Secretary of the Army shall submit to Congress a report on the command selection process for officers serving as Corps District Engineers.

B-209. 5 October 1998, Public Law 105-270--Federal Activities Inventory Reform Act. Requires the head of each executive agency to annually submit to the Director of the Office of Management and Budget (OMB) a list of their functions that, in the judgment of the agency, are not inherently governmental functions. The entry for each activity on the list is to include: (1) the fiscal year for which the activity first appeared on a list prepared under this Act; (2) the number of full-time employees (or its equivalent) that are necessary for the performance of the activity by a Federal Government source; and (3) the name of a Federal Government employee responsible for the activity from whom additional information about the activity may be obtained. Directs the OMB Director to review each list and consult with the agency regarding the content of the final list for that fiscal year. The agency must then transmit a copy of the list to Congress and make the list available to the public. After the notice of public availability of a list is published by OMB, each time the agency considers contracting with a private sector source for the performance of such an activity, it must use a competitive process to select the source (except as may otherwise be provided in other laws, Executive Orders, regulations, or any executive branch circular setting forth requirements or guidance that is issued by competent executive authority).